

EXHIBIT A

Docket Entries

Seq.		Filing Date	Docket Type	Docket Text	Sealed	Filing ID
0	E	12/6/2024	Complaint Civil Action		No	14684812
1	E	12/9/2024	Petition	BY WHITPAIN TOWNSHIP FOR PETITION FOR PRELIMIARY INJUNCTION	No	14685704
2		12/10/2024	Notice of Scheduling		No	14687399
3	E	1/2/2025	Motion	BY WHITPAIN TOWNSHIP FOR CONTINUANCE	No	14713071
4	E	1/3/2025	Order - Other	OF 1/3/25 CARLUCCIO,PJ MOTION GRANTED CC RULE 236 NOTICE PROVIDED ON 01/03/2025	No	14713967
5		1/3/2025	Rule	DATE ON 1/31/25 KEHS CA	No	14714401
6		1/7/2025	Notice of Continuance		No	14715922
7		1/7/2025	Notice of Scheduling		No	14715923
8	E	1/7/2025	Motion for Alternate Service with Mem of Law & Affidavit		No	14716369
9	E	1/7/2025	Order - Other	OF 1/7/25 CARLUCCIO,PJ REQUESTED RELIEF GRANTED RULE 236 NOTICE PROVIDED ON 01/07/2025	No	14717123
10	E	1/10/2025	Entry of Appearance	OF STEPHEN T. O'HANLON FOR SCOTT TESTA	No	14721874
11	E	1/10/2025	Affidavit/Certificate of Service of	ENTRY OF APPEARANCE ON 01/10/2025 TO PLAINTIFF'S COUNSEL	No	14721881
12	E	1/10/2025	Motion	BY SCOTT TESTA CONTINUANCE OF HEARING WITH SERVICE ON 01/10/2025	No	14722527
13	E	1/10/2025	Affidavit/Certificate of Service of	MOTION FOR CONTINUANCE ON 01/10/2025 TO COUNSEL FOR PLAINTIFF	No	14722534
14	E	1/10/2025	Praec to Attach	PROPOSED ORDER TO CONTINUANCE MOTION	No	14722628
15		1/13/2025	Notice of Continuance		No	14724491
16		1/13/2025	Notice of Scheduling		No	14724492
17		1/13/2025	Rule	DATE ON 02/06/2025 KEHS/CA	No	14725082
18	E	1/16/2025	Affidavit/Certificate of Service of	ORDER, NOTICE, COMPLAINT AND PRELIMINARY INJUNCTION ON 01/08/2025 TO SCOTT TESTA	No	14730655
19	E	1/20/2025	Motion	BY SCOTT TESTA MOTION FOR CONTINUANCE WITH BRIEF WITH SERVICE ON 01/20/2025	No	14734140
20	E	1/20/2025	Affidavit/Certificate of Service of	MOTION FOR CONTINUANCE ON 01/20/2025 TO COUNSEL FOR PLAINTIFF	No	14733257
21		1/21/2025	Notice of Continuance		No	14734079
22		1/21/2025	Notice of Scheduling		No	14734080
23	E	1/21/2025	Order - Other	OF 1/21/25 SALTZ,J TO BE RELISTED; CC RULE 236 NOTICE PROVIDED ON 01/21/2025	No	14734382
24	E	1/21/2025	Entry of Appearance	OF NOAH A. SCHWARTZ FOR DEFENDANT	No	14734655
25	E	1/21/2025	Affidavit/Certificate of Service of	ENTRY OF APPEARANCE ON 01/21/2025 TO GREGORY R. HELENIK, ESQUIRE, MELISSA A. OSBORNE, ESQUIRE	No	14734678
26		1/22/2025	Rule	2/14/2025 KEHS, CA	No	14735949
27	E	1/30/2025	Answer & New Matter Counterclaim by	SCOTT TESTA WITH SERVICE ON 01/30/2025	No	14747973
28	E	1/30/2025	Affidavit/Certificate of Service of	ANSWER COMPLAINT, NEW MATTER, AND NEW MATTER COUNTERCLAIM ON 01/21/2025 TO WHITPAIN	No	14748013

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA

WHITPAIN TOWNSHIP

vs.

SCOTT TESTA

NO. 2024-27992

NOTICE TO DEFEND – CIVIL

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

LAWYER REFERENCE SERVICE
MONTGOMERY BAR ASSOCIATION
100 West Airy Street (REAR)
NORRISTOWN, PA

19404-0268 (610) 279-9660, EXTENSION 201

PRIF0034
R 10/11

WHITPAIN TOWNSHIP

vs.

SCOTT TESTA

NO. 2024-27992

CIVIL COVER SHEET

State Rule 205.5 requires this form be attached to any document commencing an action in the Montgomery County Court of Common Pleas. The information provided herein is used solely as an aid in tracking cases in the court system. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.

Name of Plaintiff/Appellant's Attorney: GREGORY HELENIAK, Esq., ID: 314427

Self-Represented (Pro Se) Litigant

Class Action Suit

☐

Yes

☒

No

MDJ Appeal

☐

Yes

☒

No

Money Damages Requested

☐

Commencement of Action:

Complaint

Amount in Controversy:

Case Type and Code

Real Property:

Other

Other:

CIVIL ACTION-EQUITY

WHITPAIN TOWNSHIP
960 Wentz Road
Blue Bell, PA 19422

Plaintiff,

v.

SCOTT TESTA
4123 Bayberry Drive
Lafayette Hill, PA 19444

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IN THE COURT OF COMMON PLEAS
MONTGOMERY COUNTY,
PENNSYLVANIA

CIVIL ACTION – EQUITY

NO.

ORDER FOR HEARING/CONFERENCE DATE

AND NOW, this ____ day of _____, 2024, upon consideration of Whitpain Township’s Complaint and Petition for Preliminary Injunction it is **ORDERED** that pursuant to Pa.R.Civ.P. 1531(d), a hearing/conference pertaining to the Petition for Preliminary Injunction will be held on the ____ day of _____, 2024, at _____, __. m., in Courtroom ____ of the Montgomery County Courthouse.

BY THE COURT:

J.

WHITPAIN TOWNSHIP
960 Wentz Road
Blue Bell, PA 19422

Plaintiff,

v.

SCOTT TESTA
4123 Bayberry Drive
Lafayette Hill, PA 19444

: **IN THE COURT OF COMMON PLEAS**
 : **MONTGOMERY COUNTY,**
 : **PENNSYLVANIA**

: **CIVIL ACTION – EQUITY**

: **NO.**

ORDER

AND NOW, this ____ day of _____, 2024, upon consideration of Whitpain Township’s (“Township”) Complaint and Petition for Preliminary Injunction and after a hearing on the same, it appearing to the Court that an injunction is warranted, the Township’s request for an injunction is **GRANTED**, and it is further **ORDERED** that:

1. Defendant shall immediately commence all necessary work to remediate the violations of the Whitpain Township Code of Ordinances Chapter 160, Article V, §160-13, Chapter 71, No. 22-40 and the International Property Maintenance Code Sections 302.4, 304.4 & 308.1 currently existing at 951 Netherwood Drive, Blue Bell, Pennsylvania 19422 and 634 School Road, Blue Bell, Pa 19422 (“Subject Properties”). Defendant must complete all work to remediate these violations within twenty (20) days of the date of this Order;
2. Defendant shall cease all multi-family use of the properties located at the Subject Properties;

3. Defendant shall remove the Subject Properties from all online short-term rental listing services, including, but not limited to, AirBnB and VRBO.
4. Defendant shall use the Subject Properties only for uses permitted by the Township's Zoning Ordinance and for no other;
5. The Township shall be permitted to conduct inspections of the Subject Properties between the hours of 8:00 AM and 6:00 PM to ensure compliance with the terms of this Order, provided that the Township gives Defendant 24 hours' notice by posting on the Subject Properties;
6. Defendant shall reimburse the Township for reasonable attorney's fees in the amount of \$_____ for their continuous, willful and deliberate disregard of the applicable Township Ordinances and directives from Code Enforcement Officers; and
7. The following additional relief as deemed just and necessary:

BY THE COURT:

J.

**CLARKE, GALLAGHER, BARBIERO,
AMUSO & GLASSMAN LAW**

By: Gregory R. Heleniak, Esquire

Identification No. 314427

By: Melissa A. Osborne, Esquire

Identification No. 203966

1300 Virginia Drive, Suite 405

Fort Washington, PA 19034

(215) 633-1890

Attorneys for Whitpain Township

**WHITPAIN TOWNSHIP
960 Wentz Road
Blue Bell, PA 19422**

Plaintiff,

v.

**SCOTT TESTA
4123 Bayberry Drive
Lafayette Hill, PA 19444**

**IN THE COURT OF COMMON PLEAS
MONTGOMERY COUNTY,
PENNSYLVANIA**

CIVIL ACTION – EQUITY

NO.

NOTICE

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you and judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Montgomery County is required, by law, to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the Court, please contact our office. All arrangements must be made at least 72 hours prior to any hearing or business before the Court. You must attend the scheduled conference or hearing.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

MONTGOMERY COUNTY BAR ASSOCIATION
100 West Airy Street
Norristown, Pennsylvania 19401
(610) 279-9660

**CLARKE, GALLAGHER, BARBIERO,
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Attorneys for Whitpain Township

**WHITPAIN TOWNSHIP
960 Wentz Road
Blue Bell, PA 19422**

Plaintiff,

v.

**SCOTT TESTA
4123 Bayberry Drive
Lafayette Hill, PA 19444**

**IN THE COURT OF COMMON PLEAS
MONTGOMERY COUNTY,
PENNSYLVANIA**

CIVIL ACTION – EQUITY

NO.

COMPLAINT

Plaintiff, by and through its attorneys Gregory R. Heleniak, Esquire and Melissa A. Osborne, Esquire, of Rudolph Clarke, LLC, hereby avers as follows:

1. Plaintiff is the Township of Whitpain, Montgomery County, Pennsylvania (“Township”), a duly-organized Second Class Township, with principal offices located at 960 Wentz Road, Blue Bell, PA, 19422.

2. The Township has enacted a series of Ordinances, known collectively as the Code of the Township of Whitpain (“Code”).

3. Defendant Scott Testa, is the owner of record of the properties located at 951 Netherwood Drive, Blue Bell, Pennsylvania 19422, Tax Map Parcel number 66-00-04621-00-2

and 634 School Road, Blue Bell, Pennsylvania 19422, Tax Map Parcel number 66-00-06049-00-5 (“Subject Properties”). A true and correct copy of the deeds for the Subject Properties is attached hereto as Exhibit “A”.

4. Upon information and belief, the Subject Properties have been converted into a multifamily dwellings without obtaining a zoning variance.

5. Upon information and belief, Defendants are utilizing both Subject Properties as a short-term rental properties (“Subject Units”).

6. Upon information and belief, Defendants are soliciting offers for short-term rental of the Subject Properties on web-based listing sites such as AirBnB and/or VRBO.

7. The Subject Properties are in the Township’s R - Residential District (“District”).

8. According to Chapter 160, Article V, §160-13 of the Code, the following are the only uses permissible by-right in the District:

A. Single-family detached dwelling.

B. Farms and farm buildings; municipal recreation use.

C. Municipal buildings of other than commercial character devoted to community service.

D. (Reserved)

E. The following accessory uses:

(1) Private greenhouse.

(2) A home occupation, in accordance with the standards set forth in

§ 160-212.

(3) No-impact home-based businesses in accordance with the standards set forth in § 160-213. [Added 11-19-2002 by Ord. No. 4-183]

9. The Subject Properties are currently and have previously been listed as online short-term rental listing services, including, but not limited to, AirBnB and VRBO and such use is impermissible in the District.

10. On or about October 2, 2019, the Township issued a Zoning Enforcement Notice to the property located at 634 School Road, listing a violation of Chapter 160, Article V, §160-13 of the Code: Illegal conversion of a single family dwelling and violation of definition of family. (A true and correct copy of the Notice is attached hereto as Exhibit "B.").

11. On or about June 3, 2022, the Township issued a Violation Notice to the property located at 634 School Road, listing a violation of Ordinance No. 22-40, Chapter 71, 2018 International Property Maintenance Code; Section 302.4 & 308.1: (A true and correct copy of the Notice is attached hereto as Exhibit "C.").

12. The Notice stated, in part, that the Defendants were in violation of the following sections of the Codes:

a.) 302.4 Weeds. Premises and exterior property shall be maintained free from weeds or plant growth in excess of 12 inches. Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens. Upon failure of the owner or agent having charge of the property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

b.) 308.1 Accumulation of rubbish or garbage. Exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage. (i.e. piles of wood chips, buckets, barrels, tires and other miscellaneous items.)

See Exhibit C.

13. On or about June 21, 2022, the Township issued a Violation Notice to the property located at 634 School Road, listing a violation of Ordinance No. 22-40, Chapter 71, 2018 International Property Maintenance Code; Section 308.1: (A true and correct copy of the Notice is attached hereto as Exhibit “D.”).

14. The Notice stated, in part, that the Defendants were in violation of the following section of the Code:

a.) 308.1 Accumulation of rubbish or garbage. Exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage. (i.e. piles of wood chips, buckets, barrels, tires and other miscellaneous items.)

See Exhibit D.

15. On or about June 9, 2023, the Township issued a Notice of Violation to the property located at 634 School Road, listing a violation of Chapter 160, Article V, §160-13 of the Code: Illegal conversion of a single family dwelling and violation of definition of family. (A true and correct copy of the Notice is attached hereto as Exhibit “E.”).

16. On or about June 9, 2023, the Township issued a Notice of Violation to the property located at 951 Netherwood Drive, listing a violation of Chapter 160, Article V, §160-13 of the Code: Illegal conversion of a single family dwelling and violation of definition of family. (A true and correct copy of the Notice is attached hereto as Exhibit “F.”).

17. On or about August 14, 2024, the Township issued a Violation Notice to the property located at 951 Netherwood Drive, listing a violation of Ordinance No. 71-33, Chapter 71, 2018 International Property Maintenance Code; Section 304.4 and 308.1. (A true and correct copy of the Notice is attached hereto as Exhibit “G.”).

18. The Notice stated, in part, that the Defendants were in violation of the following sections of the Codes:

a.) 308.1 Accumulation of rubbish or garbage. Exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage. (i.e. piles of wood chips, buckets, barrels, tires and other miscellaneous items.)

See Exhibit G.

19. On or about September 24, 2024, the Township issued a Notice of Violation to the property located at 951 Netherwood Drive, listing a violation of Chapter 160, Article V, §160-13 of the Code: Illegal conversion of a single-family dwelling and violation of definition of family. (A true and correct copy of the Notice is attached hereto as Exhibit "H.").

20. On October 29, 2023, March 25, 2024, April 27, 2024 and September 17, 2024 Whitpain Police were called to the Subject Property located at 951 Netherwood Drive, for incidents between the Defendants and various renters regarding disputes surrounding the rental, including harassment, failure to refund payment, and changing of security codes.

21. The Whitpain Police Department has responded to multiple calls a year, for the past ten years at the Subject Property located at 951 Netherwood Drive, related to rental disputes. (See Police Blotter from 2014-2024 for 951 Netherwood Drive, attached hereto as Exhibit "I.")

22. The Whitpain Police Department has responded to six calls, from 2018 through 2024 at the Subject Property located at 634 School Lane, related to rental disputes. (See Police Blotter from 2014-2024 for 951 Netherwood Drive, attached hereto as Exhibit "J.")

23. As of the filing of the instant pleading, the Defendants have still failed to address the Code issues.

24. The Defendants have violated the Code by continuing to maintain the Subject Properties in a manner that poses a public health and safety risk.

25. By the Defendants' failure to maintain the Subject Properties in a manner consistent with the requirements of the Code, the Property poses a threat to the health, welfare, and safety of the residents of the Township. Further, the condition of the Property constitutes a nuisance and is a blight on the community.

26. The Township is empowered to institute any appropriate action to prevent, restrain, correct or abate any condition at, or of, any building, structure, or land that is being used or maintained in violation of a Township ordinance enacted pursuant to the Municipalities Planning Code, 53 P.S. §10617.

27. The Township is further empowered to enforce its ordinances through an action in equity in the court of common pleas where the Township is situated. 53 P.S. §66601.

28. The maintenance of the Subject Properties in such a condition that it has created a dangerous condition, insofar as the condition of the Subject Properties pose a threat to residents, guests invited onto the Subject Properties, and emergency personnel.

29. If a situation arose which would require the presence of emergency personnel, including firefighters or emergency medical technicians, the condition of the Subject Properties are such that there is a risk of harm to emergency personnel due to the immense amount of overgrowth and instability of accessory structure.

30. As a result, should a fire start on the Subject Properties, the Township's emergency personnel would be ill equipped to combat the fire. Further, should a medical emergency occur on the Subject Properties, the Township's emergency personnel would be ill equipped to provide emergency medical services. Finally, the condition of the Subject Properties creates a risk of harm to the Township's emergency personnel themselves.

31. Accordingly, the Township seeks an Order that the Defendants remediate the Code issues within twenty (20) days.

32. Further, the Township seeks an Order allowing it onto the Subject Properties to secure the Subject Properties in a manner it deems fit to protect the health, safety, and welfare of Township residents if the Defendants fail to remediate the Code issues as directed

33. Further, the Township seeks an Order that allows the Township access to the Subject Properties to remediate the Code violations if the Defendants fail to do so.

34. Further, the Township seeks an Order that allows it to lien the Subject Properties for the cost of the Township actions referenced in the paragraphs above.

35. In relation to the forgoing, immediate and irreparable injury will be sustained by the Township before a hearing can be held on the Township's Petition for Preliminary Injunction as the continued condition of the Property will put the safety and health of the residents of the Township and guests invited onto the Subject Properties, and the Township's emergency personnel in jeopardy for the reasons listed above.

36. Violation of an ordinance is per se irreparable harm. Township of Little Britain v. Lancaster County Turf Products, Inc., 604 A.2d 1225 (Pa. Commw. Ct. 1992); Gateway Metals, Inc. v. Municipality of Monroeville, 525 A.2d 478 (Pa. Commw. Ct. 1987) (en banc).

37. A greater injury will occur from refusing the injunction than from granting it because if the injunction is not granted, the safety and health of the residents of the Township, guests invited onto the Subject Properties, and the Township's emergency personnel would be in jeopardy for the reasons listed above.

38. The injunction will restore the parties to the status quo as the Defendants will be required to maintain the Subject Properties in compliance with the Code.

39. The wrong committed by the Defendant is manifest as the Defendant has willfully and purposely continued to maintain the Property in violation of the Code and willfully and purposely failed to remediate the Code issues at the Subject Properties after the Township notified the Defendant of the above-referenced Code violations.

40. Specifically, Defendant has permitted the Subject Property to continuously be used as an short term rental despite the issuance of clear notice that such use is not permissible.

41. Defendant's use of the Subject Properties is clearly adverse to the health, safety, and wellness of the community.

42. A greater injury will occur from refusing the injunction than from granting it because if the injunction is not granted, the safety and health of the residents of the Township will continue to be adversely effected by Defendant's illegal use of the Subject Properties.

43. The injunction will restore the parties to the *status quo* as it will compel the Subject Properties into compliance with the Code.

44. The wrong committed by Defendant is manifest as they have willfully and flagrantly misused the Subject Properties in violation of the Code.

45. The Township's right to relief is clear as the Township has an affirmative duty to protect the health and safety of its residents and emergency personnel and to ensure that all properties are maintained according to the Codes, and the Township is likely to win on the merits at a permanent injunction hearing.

WHEREFORE, for the foregoing reasons, the Township of Whitpain respectfully requests that this Honorable Court grant its Complaint for a Preliminary Injunction requiring Defendants to remove all residential and overnight accommodation from the Subject Properties and permitting the Township to conduct inspections of the Subject Properties to ensure compliance with the Code.

**CLARKE, GALLAGHER, BARBIERO,
AMUSO & GLASSMAN LAW**

By:



Gregory R. Heleniak, Esquire

Melissa A. Osborne, Esquire

Attorneys for Whitpain Township

Date:

12/6/24

VERIFICATION

Travis DeCaro hereby states that he is the Code Enforcement Officer for the Township of Whitpain that he is authorized to make this Verification on behalf of the Township and that the facts set forth in the foregoing Complaint are true and correct to the best of his knowledge, information and belief.

I make this statement understanding that it is subject to the penalties of 18 C.S.A. Section 4904 relating to unsworn falsification to authorities.



Travis DeCaro

Date: 12/06/24

Exhibit “A”

DE BK05583-0714

DT-DEED

2005183513 12/15/2006 01 40 37 PM 7

RCD FEE \$46 50 LCL TAX \$3 700 00 ST TAX \$3 700 00

MONTGOMERY
COUNTY ROD

66-WHITPAIN \$3 700 00

NANCY BECKER ROD

Record and Return To

SKIPPACK ABSTRACT, INC
3881 SKIPPACK PIKE
P O BOX 1368
SKIPPACK, PA 19474-1368
610-584-4416

File No. 11227-05

Parcel No. 66-00-04621-002

MONTGOMERY COUNTY COMMISSIONERS REGISTRY

66-00-04621-00-2 WHITPAIN

951 NETHERWOOD DR

PULEO JOSEPH R & JUDY M

R 0148 U 094 L 74 1101 DATE 12/15/05

This Indenture

Made this 9 day of December, 2005

Between

MICHAEL PULEO, EXECUTOR OF THE ESTATE OF JOSEPH R. PULEO,
DECEASED AND MICHAEL PULEO, INDIVIDUALLY

(hereinafter called the Grantors),

SCOTT TESTA AND SHARON TESTA, HUSBAND AND WIFE

(hereinafter called the Grantees),

Witnesseth That the said Grantors for and in consideration of the sum of
THREE HUNDRED SEVENTY THOUSAND And 00/100 Dollars (\$ 370,000.00),
lawful money of the United States of America, unto them well and truly paid by the said Grantees,
at or before the sealing and delivery hereof, the receipt whereof is hereby acknowledged, doth
granted, bargained and sold, released and confirmed, and by these presents do grant, bargain
and sell, release and confirm unto the said Grantees, their heirs and assigns, forever

ALL THAT CERTAIN LOT OR PIECE OF LAND WITH THE BUILDINGS AND
IMPROVEMENTS TO BE ERECTED THEREON, SITUATE IN THE TOWNSHIP OF
WHITPAIN, COUNTY OF MONTGOMERY AND COMMONWEALTH OF
PENNSYLVANIA, BOUNDED AND DESCRIBED IN ACCORDANCE WITH A
SURVEY THEREOF MADE BY CHARLES E SHOEMAKER, REGISTERED

PROFESSIONAL ENGINEER, ABINGTON, PA ON 03/17/1957 AND REVISED 04/18/1957 AS FOLLOWS, TO WIT

BEGINNING AT A POINT ON THE NORTHERLY SIDE OF NETHERWOOD DRIVE (50 FEET WIDE) SAID POINT BEING THE WESTERLY END OF A RADIUS ROUND CORNER CONNECTING SAID SIDE OF NETHERWOOD DRIVE WITH THE WESTERLY SIDE OF SHEFFIELD DRIVE (50 FEET WIDE), THENCE EXTENDING ALONG SAID SIDE OF NETHERWOOD DRIVE IN A WESTERLY AND NORTHWESTERLY DIRECTION ON THE ARC OF A CIRCLE CURVING TO THE RIGHT WITH A RADIUS OF THREE HUNDRED SIXTY FEET THE ARC DISTANCE OF TWO HUNDRED FIFTY-SIX AND TWENTY-TWO ONE-HUNDREDTHS FEET TO A POINT IN LINE OF LOT #73 ON SAID PLAN, THENCE EXTENDING BY THE SAME NORTH THIRTY-SIX DEGREES THIRTY-ONE MINUTES FOURTEEN SECONDS EAST ONE HUNDRED SEVENTY-THREE AND FIFTY-TWO ONE-HUNDREDTHS FEET TO A POINT IN LINE OF LOT #75 ON SAID PLAN, THENCE EXTENDING BY THE SAME NORTH EIGHTY-FIVE DEGREES FORTY-FOUR MINUTES THIRTY SECONDS EAST ONE HUNDRED FORTY-ONE AND EIGHTY ONE-HUNDREDTHS FEET TO A POINT IN THE AFORESAID WESTERLY SIDE OF SHEFFIELD DRIVE, THENCE EXTENDING ALONG SAID SIDE THEREOF THE TWO FOLLOWING COURSES AND DISTANCES, VIZ (1) SOUTH FOUR DEGREES FIFTEEN MINUTES THIRTY SECONDS EAST ONE HUNDRED NINETY-EIGHT AND SEVENTY-NINE ONE-HUNDREDTHS FEET TO A POINT OF CURVE, AND (2) IN A SOUTHWESTERLY AND WESTERLY DIRECTION ON THE ARC OF A CIRCLE CURVING TO THE RIGHT WITH A RADIUS OF TWENTY FEET THE ARC DISTANCE OF THIRTY-ONE AND FORTY-TWO ONE-HUNDREDTHS FEET TO THE FIRST MENTIONED POINT AND PLACE OF BEGINNING

BEING LOT #74 ON PLAN OF MERMAID ESTATES, SECTION #3, RECORDED IN THE RECORDER'S OFFICE IN PLAN BOOK A-3 PAGE 85

BEING COUNTY PARCEL NUMBER 66-00-04621-002

BEING THE SAME PREMISES WHICH JOHN E ZERBEY AND MARTHA L ZERBEY, HIS WIFE BY INDENTURE BEARING DATE THE 10TH DAY OF OCTOBER A D . 1979 AND RECORDED AT NORRISTOWN IN THE OFFICE FOR THE RECORDING OF DEEDS, IN AND FOR THE COUNTY OF MONTGOMERY IN DEED BOOK 4462 PAGE 397 ETC , GRANTED AND CONVEYED UNTO JOSEPH R PULEO AND JUDY M PULEO, HIS WIFE, IN FEE

AND THE SAID JUDY M PULEO DEPARTED THIS LIFE ON 11/21/05 WHEREBY TITLE TO THE ABOVE DESCRIBED PREMISES BECAME VESTED IN JOSEPH R PULEO BY RIGHT OF SURVIVORSHIP

AND THE SAID JOSEPH R PULEO DEPARTED THIS LIFE ON 01/02/2005, LEAVING A WILL PROBATED AND REGISTERED AT MONTGOMERY COUNTY AS WILL 05-0241, WHEREIN HE APPOINTED MICHAEL PULEO, EXECUTOR TO WHOM LETTERS TESTAMENTARY WERE GRANTED ON 01/20/2005

AND ALSO WHEREIN UNDER ITEM #3 OF SAID WILL HE DEvised PREMISES 951 NETHERWOOD DRIVE UNTO MICHAEL PULEO

Together with all and singular the buildings and improvements, ways, streets, alleys, driveways, passages, waters, water-courses, rights, liberties, privileges, hereditaments and appurtenances, whatsoever unto the hereby granted premises belonging, or in any wise appertaining, and the revisions and remainders, rents, issues, and profits thereof, and all the estate, right, title, interest, property, claim and demand whatsoever of the said Grantor, as well at law as in equity, of, in, and to the same.

To have and to hold the said lot or piece of ground above described with the buildings and improvements hereditaments and premises hereby granted, or mentioned, and intended so to be, with the appurtenances, unto the said Grantees, their heirs and assigns, to and for the only proper use and behoof of the said Grantees, their heirs and assigns

And the said Grantors, their heirs and assigns do, by these presents, covenant, grant and agree, to and with the said Grantees, their heirs and assigns, that they the said Grantors, their heirs, all and singular the hereditaments and premises herein above described and granted, or mentioned and intended so to be, with the appurtenances, unto the said Grantees, their heirs and assigns, against them, the said Grantors, and against all and every person or persons whomsoever lawfully claiming or to claim the same or any part thereof, by, from or under him, her or any of them shall and will WARRANT and forever DEFEND

In Witness Whereof, The said Grantors have caused these presents to be duly executed the day and year first herein above written

Sealed and Delivered
IN THE PRESENCE OF US

Witness

Jay C. Glickman

Witness

Jay C. Glickman

Michael Puleo (SEAL)
MICHAEL PULEO, EXECUTOR OF THE
ESTATE OF JOSEPH R. PULEO

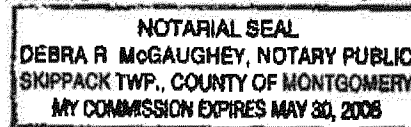
Michael Puleo (SEAL)
MICHAEL PULEO INDIVIDUALLY

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF MONTGOMERY

On this, the 9 day of December, 2005,
before me, the undersigned officer, personally appeared, MICHAEL PULEO, EXECUTOR OF
THE ESTATE OF JOSEPH R PULEO, DECEASED AND MICHAEL PULEO, INDIVIDUALLY,
known to me (or satisfactory proven) to be the persons, whose names are subscribed to the
within instrument, and acknowledged that they executed the same for the purposed therein
contained

In Witness Whereof, I hereunto set my hand and official seal

Debra R McGaughey
NOTARY PUBLIC



The address of the above-named Grantee is

951 Netherwood Drive
Blue Bell PA 19422



Wang J. [Signature]

93 JUN 30 AM 11:24

Deed—Survivorship—No. 771-B

Printed for and Sold by John C. Clark Co., 1336 Walnut St., Phila.

010309

This Indenture Made the

19th

day of

May

in the year of our Lord one thousand nine hundred and ninety-three (19 93),

Between

BERNARD BUCHOLZ and AUDREY M. BUCHOLZ, Husband and Wife, of the

State of Pennsylvania; parties

of the one part, Grantors, and

SCOTT TESTA and SHARON BEARD, of the State of Pennsylvania; parties

of the other part, Grantees,

Witnesseth,

That the said Grantors for and in consideration of the sum of

ONE HUNDRED EIGHTY FIVE THOUSAND DOLLARS (\$185,000.00)

lawful money of the United States of America, unto them well and truly paid by the said Grantees, at or before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, does granted, bargained, sold, aliened, enfeoffed, released and confirmed and by these presents have grant, bargain, sell, alien, enfeoff, release and confirm unto the said Grantees and the survivor of them, and the heirs and assigns of such survivor,

ALL THAT CERTAIN lot or tract of land, situate in the Township of Whitpain, County of Montgomery and State of Pennsylvania, shown as Tract No. 2 on a subdivision plan of property of John L. Black, dated March 2, 1959 prepared by G. Raymond Weir, Registered Professional Engineer, Ambler, PA, bounded and described as follows, to wit:

BEGINNING at a point in the middle of Schoolhouse Road as originally laid out thirty three feet wide, the Southeast side hereby established twenty five feet from said original center line, said point of beginning being South forty one degrees forty four minutes West Three hundred fifty one feet from the point of intersection of the aforesaid middle of Schoolhouse Road with the original middle line of Boehms Church Road, as laid out thirty three feet wide; thence from the point of beginning crossing the bed of Schoolhouse Road and an iron pin set on the aforementioned Southeasterly side of Schoolhouse Road South forty eight degrees sixteen minutes East One hundred ninety nine and eighty nine one-hundredths feet to an iron pin a corner in line of other lands of the Grantor herein; thence along the same South forty one degrees forty four minutes West One hundred eighty four and forty nine one-hundredths feet to an iron pin a corner of Tract No. 1; thence along the same and crossing an iron pin set on the aforementioned Southeast side of Schoolhouse Road and crossing the bed of Schoolhouse Road North fifty degrees eight minutes West Two hundred feet to an iron pin set in the aforementioned middle line of Schoolhouse Road; thence along the same North forty one degrees forty four minutes East One hundred ninety one feet to the point and place of beginning.

BEING No. 634 Schoolhouse Road. **PARCEL NO.** 66-00-06049-00-5.

BEING the same premises which Albert V. Condello, Jr. and Suzanne C. Condello, his wife by Deed dated 8/26/1965 and recorded 8/30/1965 in the County of Montgomery in Deed Book 3394 page 751 &c., granted and conveyed unto Bernard Bucholz and Audrey M. Bucholz, his wife, in fee.

REALTY TRANS. TAX PAID
STATE 1850.00
LOCAL 1850.00
PER 716.00

BK5045P62338

Together with all and singular buildings, improvements, ways, streets, driveways, alleys, passages, waters, water-courses, liberties, privileges, rights, hereditaments and appurtenances whatsoever thereunto belonging, or in any wise appertaining, and the reversions and remainders, rents, issues and profits thereof; and all the estate, right, title, interest, property claim and demand whatsoever of the said Grantors in law, equity, or otherwise howsoever, of, in, and to the same and every part thereof.

To have and to hold the said lot or piece of ground with the buildings and improvements thereon erected,

hereditaments and promises hereby granted, or mentioned and intended so to be, with the appurtenances, unto the said Grantees and the survivor of them, and the heirs and assigns of such survivor, to and for the only proper use and behoof of the said Grantees and the survivor of them and the heirs and assigns of such survivor forever.

MONTGOMERY COUNTY COMMISSIONERS REGISTRY	#10307	
66-00-06049-00-5 WHITPAIN	WHITPAIN TWP.	1850.00
634 SCHOOL RD	STATE STAMP	1850.00
BUCHHOLZ BERNARD & AUDREY M	TOTAL	3700.00
B 015 U 059 L 2 1101 DATE: 06/16/93	CHECK	1850.00
	CHECK	1850.00
	ITEM 2	
	06-30-93 WED #1	CASH-01 5270 12:33 PM

And the said Grantors, for themselves, their heirs and assigns

heirs, executors and administrators, do by these presents, covenant, grant and agree, to and with the said Grantees and the survivor of them and the heirs and assigns of such survivor, that they, the said Grantors, and their heirs, all and singular the hereditaments and premises herein described and granted or mentioned and intended so to be, with the appurtenances, unto the said Grantees and the survivor of them, and the heirs and assigns of such survivor, against them, the said Grantors and their heirs, and against all and every other person or persons whomsoever lawfully claiming or to claim the same or any part thereof, by, from or under him, her, them

shall and will

WARRANT and forever DEFEND.

In Witness Whereof, the said Grantors have hereunto set their hands and seals dated the day and year first above written.

Sealed and Delivered
IN THE PRESENCE OF US:

Anne Monaghan

Bernard Bucholz (SEAL)
BERNARD BUCHOLZ

Audrey M. Bucholz (SEAL)
AUDREY M. BUCHOLZ

BK5045PG2339

Commonwealth of Pennsylvania
County of *Montgomery*

} SS:

On this, the *19* day of *May*, 19*93* before me, a Notary Public

the undersigned Officer,
personally appeared BERNARD BUCHOLZ and AUDREY M. BUCHOLZ, Husband and Wife;

known to me (satisfactorily proven) to be the persons whose names are subscribed to the within instrument, and acknowledged that they executed the same for the purposes therein contained.

In Witness Whereof, I hereunto set my hand and official seal.

NOTARIAL SEAL
ELIZABETH S. HOWARTH, Notary Public
Whitpain Twp., Montgomery Co.
My Commission Expires Aug. 16, 1993

Elizabeth S. Howarth
NOTARY PUBLIC

DEED.

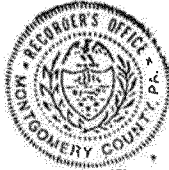
BERNARD BUCHOLZ and AUDREY M.
BUCHOLZ, Husband and Wife

TO

SCOTT TEST and SHARON BEARD

PREMISES:
#634 Schoolhouse Road,
Whitpain Township, PA
Montgomery County, PA
Parcel No. 66-00-06049-00-5

John C. Clark Co., Phila. 1988



Marganne Beckenbach

The address of the above-named Grantee

634 School House Rd Whitpain Twp Pa

On behalf of the Grantee

BK5045PG2340

Exhibit “B”

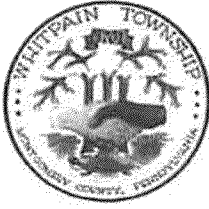
ZONING ENFORCEMENT NOTICE

1. This action is being taken against the following:
 - A. Parcel Owner of Record: Scott & Sharon Testa
951 Netherwood Drive
Blue Bell, PA 19422
 - B. Other: Scott & Sharon Testa
4123 Bayberry Drive
Lafayette Hill, PA 19444
2. Location of Property: 634 School Road
Blue Bell, PA 19422
3. Violation: Illegal conversion of a single family dwelling and violation of definition of family.
 - A. Description of requirements which have not been met, including zoning ordinance provisions: Failure to obtain a variance from the zoning hearing board prior to converting a single family dwelling Chapter 160, Article V, Section 160-13.A, and allowing the violation of the definition of a single family Chapter 160, Article II, Section 160-7.B.
 - B. To Comply: Restore the property back to a single family dwelling.
4. Date when compliance must commence: Upon Receipt of this Notice.
5. Date upon which compliance must be completed: Upon Receipt of this Notice.

YOU HAVE THE RIGHT TO APPEAL TO THE ZONING HEARING BOARD.
YOUR APPLICATION FOR APPEAL MUST BE COMPLETED AND FILED WITH THE TOWNSHIP BY:
October 15th 2019

6. Failure to comply with this notice by the date noted in item #5 constitutes a civil offense which will be subject to the following:
 - A. You may be found liable, with a judgment of not more than \$500.00, plus court costs, enforcement costs, and solicitor fees.
 - B. If found liable, the District Justice shall determine the date the violation commenced and may make a judgment in favor of the township not to exceed \$500.00 plus all costs.
 - C. The Board of Supervisors may commence legal action against you in the Court of Common Pleas.

Exhibit “C”



WHITPAIN TOWNSHIP
MONTGOMERY COUNTY
COMMONWEALTH OF PENNSYLVANIA

960 WENTZ ROAD
BLUE BELL, PA 19422-1835
(610) 277-2400
FAX: (610) 277-2209

June 3, 2022

ORDER

Violation Notice

Via Regular Mail

Testa, Scott V & Sharon L
951 Netherwood Dr
Blue Bell, PA 19422

To whom it may concern,

The information outlined in this letter pertains to an inspection that was performed at your property located at 634 School Rd Blue Bell, PA 19422. The nature of this inspection was to evaluate a submitted complaint for validity. There was a report of trash, high grass and weeds for the property. Listed below are violations that were discovered during the said inspection, you are hereby ORDERED to rectify the conditions, as set forth herein, within ten (10) days of receipt of this mailing.

VIOLATIONS:

1. Violation of Ordinance No. 22-40, Chapter 71, 2018 International Property Maintenance Code, Section(s) 302.4 & 308.1
 - a) **302.4 Weeds.** *Premises and exterior property* shall be maintained free from weeds or plant growth in excess of **12 Inches**. Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens. Upon failure of the *owner* or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the *owner* or agent responsible for the property.
 - b) **308.1 Accumulation of rubbish or garbage.** Exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage (i.e. piles of wood chips buckets, barrels, tires and other miscellaneous items)



WHITPAIN TOWNSHIP
MONTGOMERY COUNTY
COMMONWEALTH OF PENNSYLVANIA

960 WENTZ ROAD
BLUE BELL, PA 19422-1835
(610) 277-2400
FAX: (610) 277-2209

REMEDY: Within 10 days of receipt this letter you must:

- a) Cut all high grass and weeds for all yards for the property.
- b) Remove all rubbish and garbage from the front and side yards of the exterior of the property including but not limited to the piles of wood chips, buckets, barrels, tires and other misc. items.

Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

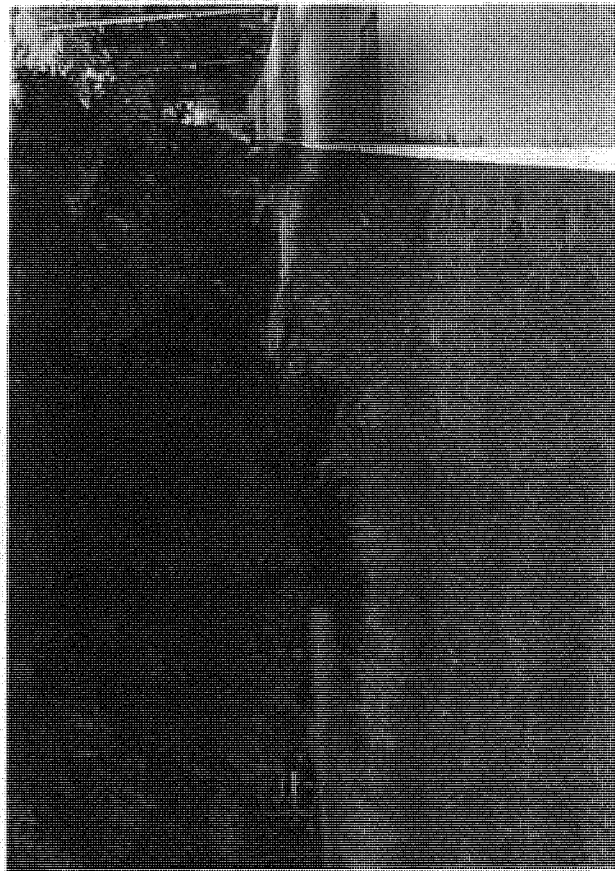
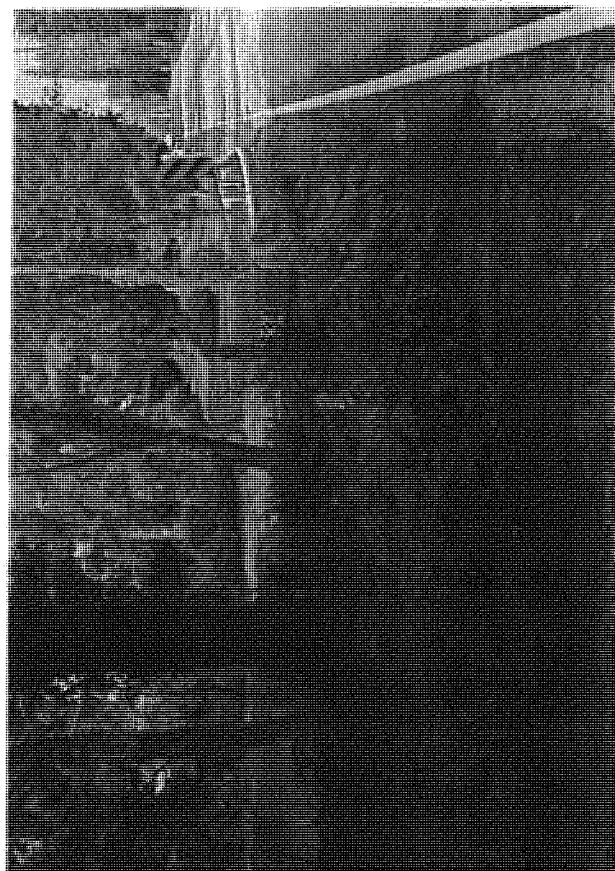
You are hereby further ordered to contact the Whitpain Township Code Enforcement Department, 610-277-2400, upon abatement of the stated violations so a compliance inspection can be performed. Be advised that if you feel this order is in error, or you choose to contest said violations, you have the right to appeal this matter, within 10 days of this mailing, to the Township Board of Appeals. This process may be initiated by contacting Kelly Gracely at 610-277-2400 ext. 331.

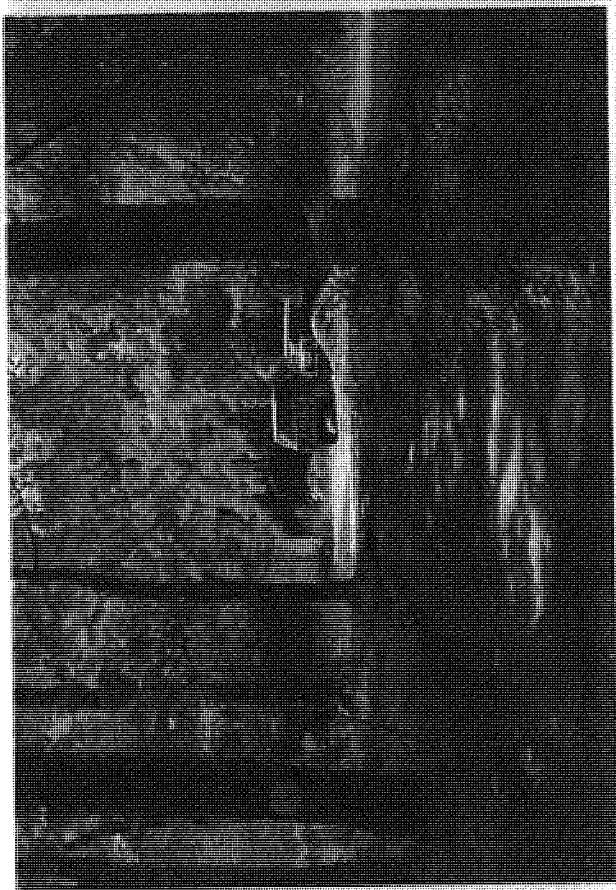
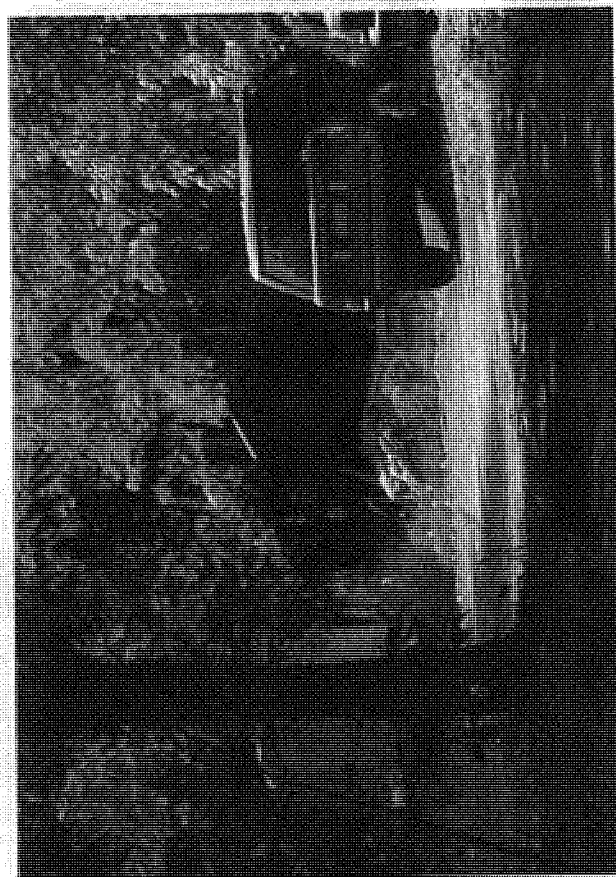
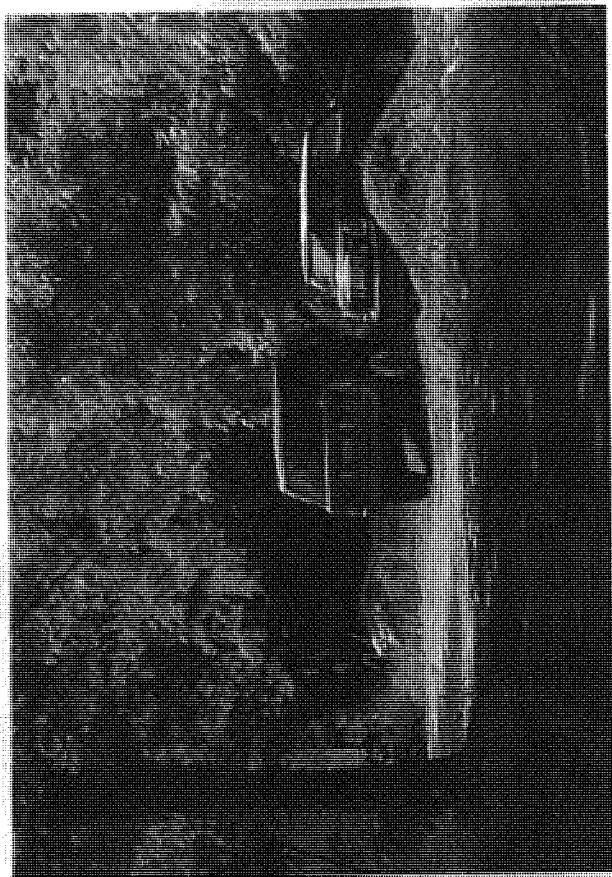
Thank you in advance for your cooperation in resolving this matter.

Very truly yours,

Patrick McDonough

Patrick McDonough





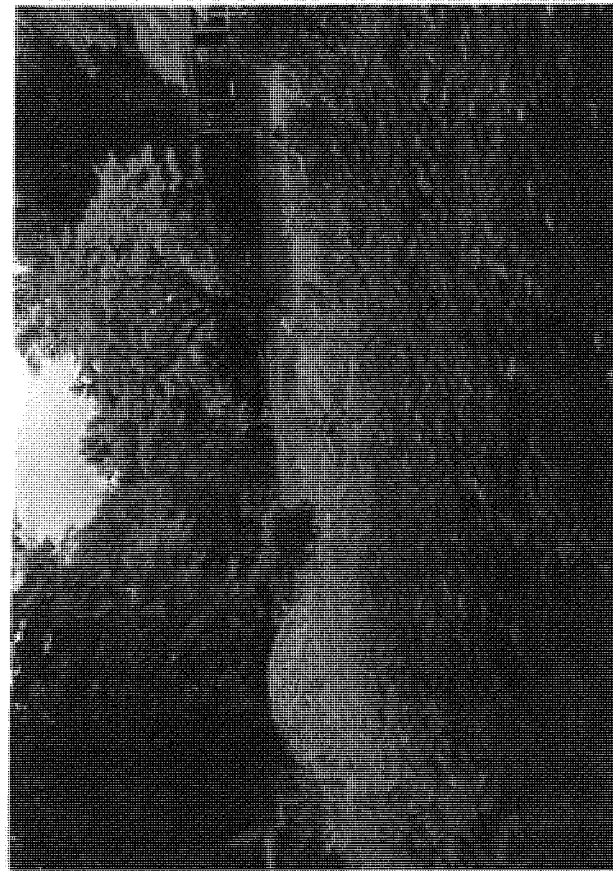
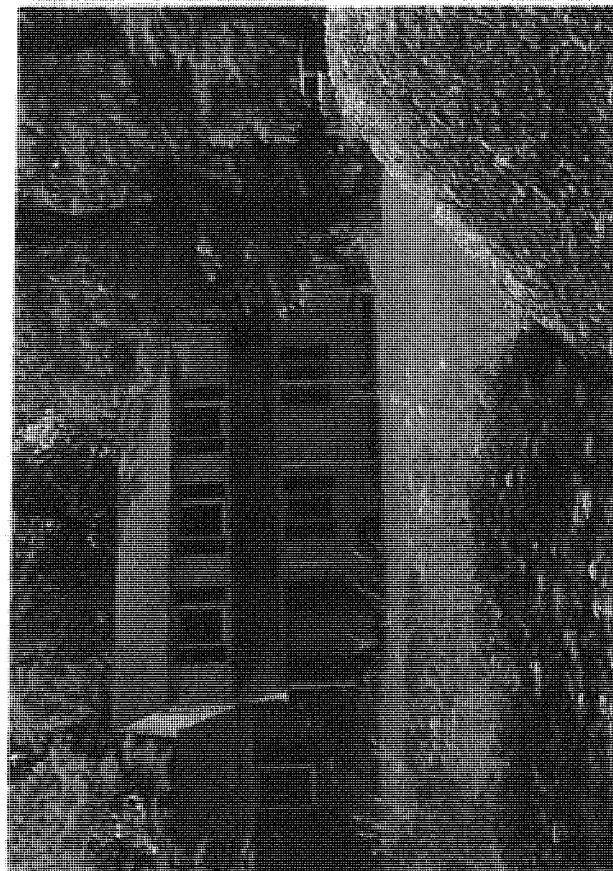
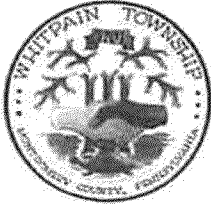


Exhibit “D”



WHITPAIN TOWNSHIP
MONTGOMERY COUNTY
COMMONWEALTH OF PENNSYLVANIA

960 WENTZ ROAD
BLUE BELL, PA 19422-1835
(610) 277-2400
FAX: (610) 277-2209

June 21, 2022

ORDER

2nd Violation Notice

Via Regular Mail

Testa, Scott V & Sharon L
951 Netherwood Dr
Blue Bell, PA 19422

To whom it may concern,

The information outlined in this letter pertains to a re-inspection that was performed at your property located at 634 School Rd Blue Bell, PA 19422. The nature of this inspection was to evaluate a submitted complaint for validity. There was a report of trash, high grass and weeds for the property. Listed below are violations that were discovered during the said inspection, you are hereby ORDERED to rectify the conditions, as set forth herein, within thirty (30) days of receipt of this mailing.

VIOLATIONS:

1. Violation of Ordinance No. 22-40, Chapter 71, 2018 International Property Maintenance Code, Section(s) 308.1
- a) **308.1 Accumulation of rubbish or garbage.** Exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage (i.e. piles of wood chips buckets, barrels, tires and other miscellaneous items)

REMEDY: Within 30 days of receipt this letter you must:

- a) Remove all rubbish and garbage from the front and side yards of the exterior of the property including but not limited to the piles of wood chips, buckets, barrels, tires and other misc. items.



WHITPAIN TOWNSHIP
MONTGOMERY COUNTY
COMMONWEALTH OF PENNSYLVANIA

960 WENTZ ROAD
BLUE BELL, PA 19422-1835
(610) 277-2400
FAX: (610) 277-2209

Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

You are hereby further ordered to contact the Whitpain Township Code Enforcement Department, 610-277-2400, upon abatement of the stated violations so a compliance inspection can be performed.

Be advised that if you feel this order is in error, or you choose to contest said violations, you have the right to appeal this matter, within 10 days of this mailing, to the Township Board of Appeals. This process may be initiated by contacting Kelly Gracely at 610-277-2400 ext. 331.

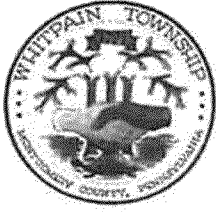
Thank you in advance for your cooperation in resolving this matter.

Very truly yours,

Patrick McDonough

Patrick McDonough

Exhibit “E”



WHITPAIN TOWNSHIP
MONTGOMERY COUNTY
COMMONWEALTH OF PENNSYLVANIA

960 WENTZ ROAD
BLUE BELL, PA 19422-1835
(610) 277-2400
FAX: (610) 277-2209

09-Jun-2023

Scott & Sharon Test
4123 Bayberry Drive
Lafayette Hill, PA 19444

Re: Notice of Violation

Dear Sir or Madam:

Enclosed, please find a Notice of Violation regarding your property located in Whitpain Township. Please read it carefully.

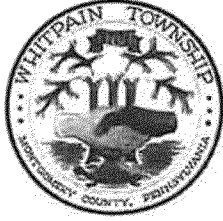
Compliance or correction of the violation is the goal of this Notice of Violation, however, failure to remedy the violation by the date noted on Page 2, item number **6. Required Date of Compliance/ Correction** constitutes a civil offense which could be subject to the following:

1. You may be found liable, with a judgement of not more than \$ 500.00, plus court costs, enforcement costs, and solicitor fees.
2. If found liable, the District Justice shall determine the date the violation commenced and may make a judgement in favor of the township not to exceed \$ 500.00 plus all costs.
3. The Board of Supervisors may commence legal action against you in the Court of Common Pleas.

If you have any questions concerning the requirements noted, please contact the Code Enforcement office at 610.277.2400 or by email at codes@whitpaintownship.org

Sincerely,

Travis DeCaro
Code Enforcement Officer



Whitpain Township
960 Wentz Road
Blue Bell, PA 19426
610.277.2400
Whitpaintownship.org

Code Enforcement Department

Notice of Violation

1. Action is being taken against the following:

Owner Name: Scott & Sharon Test

Address: 4123 Bayberry Drive

Lafayette Hill, PA 19444

And:

Name: Resident of 634 School Road

Address: 634 School Road

Blue Bell, PA 19422

2. Property Location:

Property Address: 634 School Road

Blue Bell, PA 19422

3. Description of Violation: Illegal use of the property without a variance. Property being used as multi-family dwelling.

4. Code Section(s):

Code of Whitpain Township Chapter 160 Article V §160-13 Use Regulation

Code of Whitpain Township Chapter 160 Article II §160-7 . Definitions

5. Action(s) Required for Compliance:

Cease renting the apartment portion of the property or obtain a variance from the
Zoning Hearing Board. The property may be rented, but only to a single family.

6. Required Date of Compliance/ Correction:

July 9, 2023

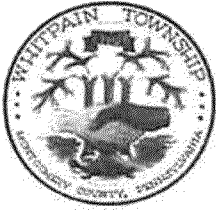
7. Right to Appeal:

You have the right to appeal this Notice of Violation to the

Zoning Hearing Board

Your application for appeal must be completed & filed with the Code Enforcement Department by July 9, 2023

Exhibit “F”



WHITPAIN TOWNSHIP
MONTGOMERY COUNTY
COMMONWEALTH OF PENNSYLVANIA

960 WENTZ ROAD
BLUE BELL, PA 19422-1835
(610) 277-2400
FAX: (610) 277-2209

09-Jun-2023

Scott & Sharon Testa
4123 Bayberry Drive
Lafayette Hill, PA 19444

Re: Notice of Violation

Dear Sir or Madam:

Enclosed, please find a Notice of Violation regarding your property located in Whitpain Township. Please read it carefully.

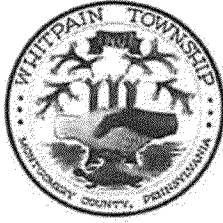
Compliance or correction of the violation is the goal of this Notice of Violation, however, failure to remedy the violation by the date noted on Page 2, item number **6. Required Date of Compliance/ Correction** constitutes a civil offense which could be subject to the following:

1. You may be found liable, with a judgement of not more than \$ 500.00, plus court costs, enforcement costs, and solicitor fees.
2. If found liable, the District Justice shall determine the date the violation commenced and may make a judgement in favor of the township not to exceed \$ 500.00 plus all costs.
3. The Board of Supervisors may commence legal action against you in the Court of Common Pleas.

If you have any questions concerning the requirements noted, please contact the Code Enforcement office at 610.277.2400 or by email at codes@whitpaintownship.org

Sincerely,

Travis DeCaro
Code Enforcement Officer



Whitpain Township
960 Wentz Road
Blue Bell, PA 19426
610.277.2400
Whitpaintownship.org

Code Enforcement Department

Notice of Violation

1. Action is being taken against the following:

Owner Name: Scott & Sharon Testa

Address: 4123 Bayberry Drive
Lafayette Hill, PA 19444

And:

Name: Resident of 951 Netherwood Drive

Address: 951 Netherwood Drive
Blue Bell, PA 19422

2. Property Location:

Property Address: 951 Netherwood Drive
Blue Bell, PA 19422

3. Description of Violation:

Illegal use of the property without a variance. Property being used as multi-family dwelling.

4. Code Section(s):

Code of Whitpain Township Chapter 160 Article V §160-13 Use Regulation
Code of Whitpain Township Chapter 160 Article II §160-7 . Definitions

5. Action(s) Required for Compliance:

Cease renting the apartment portion of the property or obtain a variance from the
Zoning Hearing Board. The property may be rented, but only to a single family.

6. Required Date of Compliance/ Correction:

July 9, 2023

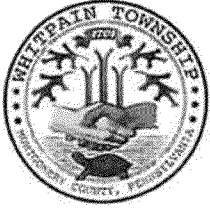
7. Right to Appeal:

You have the right to appeal this Notice of Violation to the

Zoning Hearing Board

Your application for appeal must be completed & filed with the Code Enforcement Department by July 9, 2023

Exhibit “G”



Whitpain Township
Montgomery County
COMMONWEALTH OF PENNSYLVANIA

960 Wentz Road
Blue Bell, PA 19426
610.277.2400
Whitpaintownship.org

August 14, 2024 at 2:29:46 PM EDT

Scott & Sharon Testa
4123 Bayberry Drive,
Lafayette Hill, PA 19444

Re: Notice of Violation- High Grass

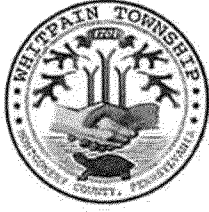
Dear Sir or Madam,

Enclosed, please find a Notice of Violation regarding your property located in Whitpain Township. Please read it carefully. Compliance or correction of the violation is the goal of this Notice of Violation, however, failure to remedy the violation by the date noted on Page 2, item number 6. Required Date of Compliance/ Correction constitutes a civil offense which could be subject to the following:

1. You may be found liable, with a judgment of not more than \$1000 , plus court costs, enforcement costs, and solicitor fees.
2. If found liable, the District Justice shall determine the date the violation commenced and may make a judgment in favor of the township not to exceed \$1000 plus all costs.
3. The Board of Supervisors may commence legal action against you in the Court of Common Pleas.

If you have any questions concerning the requirements noted, please contact the Code Enforcement office at 610.277.2400 or by email at codes@whitpaintownship.org.

Sincerely,
Travis DeCaro
Code Enforcement Officer



Code Enforcement Department

Notice of Violation

Whitpain Township
960 Wentz Road
Blue Bell, PA 19426
610.277.2400
Whitpaintownship.org

1. Action is being taken against the following:

- Owner Name: Scott & Sharon Testa
- Address: 4123 Bayberry Drive Lafayette Hill, PA 19444

And-

- Name: Current Resident
- Address: 951 Netherwood Drive Blue Bell, PA 19422

2. Property Parcel Number: 660004621002

3. Property Address: 951 Netherwood Drive Blue Bell, PA 19422

4. Description of Violation: Weeds and grass in excess of 12"

5. Code Section(s): Code of Whitpain Township, Chapter 71, Part 6, Article XIII, §71-33 & 2018 International Property Maintenance Code, Chapter 3, §304.4

6. Action(s) Required for Compliance: Mow, trim, or otherwise maintain the weeds, grass or plant growth in excess of 12" in height.

7. Required Date of Compliance/ Correction: August 24, 2024

8. Right to Appeal: You have the right to appeal this Notice of Violation to the Board of Appeals

Your application for appeal must be completed & filed with the Code Enforcement Department by:
August 24, 2024

Exhibit “I”

Agency Cases Search List

Agency: WHITPAIN TOWNSHIP POLICE DEPARTMENT Location/Address: 951 Netherwood Incident Location Only: YES

Report	Report Date / Time	PD Case #	Officer Assigned	CAD Caller	Person Name (Type)	Incident Location	Agency Incident / Actual CFS Type	Case Disposition	Disposition Note	View Documents
VO	09/20/2024 14:18	2024-18732	KOSTY, IVAN (SECONDARY) (OFFICER) SWEISFURTH, BRIAN (SECONDARY) (OFFICER) WITTIG, THOMAS (PRIMARY) (DETECTIVE)			951 NETHERWOOD DR, WHITPAIN TWP, PA	FOLLOW UP	CLOSED	FOLLOW-UP AT TESTA RESIDENCE FOR POLICE INVESTIGATION. A LAPTOP COMPUTER AND IPAD WERE FOUND AT THE HOUSE AND WILL BE RETURNED TO THE OWNER (SEE REPORT #2024-18666).	
VO	09/20/2024 12:55	2024-18726	HOMAN, SETH (SECONDARY) (OFFICER) KOSTY, IVAN (PRIMARY) (OFFICER) ROTONDO, CHRISTOPHER (SECONDARY) (OFFICER) SWEISFURTH, BRIAN (SECONDARY) (OFFICER) WITTIG, THOMAS (SECONDARY) (DETECTIVE)		DJOUMEKAM MBE, HULDA(CALLER)	951 NETHERWOOD DR, WHITPAIN TWP, PA	SUSPICIOUS ACTIVITY	CLOSED	CALLER REPORTED PRIOR RENTERS MAY BE COMING BY. ONGOING INVESTIGATION WITH DEPARTMENT. NO RENTERS WERE ON SCENE. REF REPORT #2024-18666.	

Report	Report Date / Time	PD Case #	Officer Assigned	CAD Caller	Person Name (Type)	Incident Location	Incident / Actual CFS Type	Case Disposition	Disposition Note	View Documents
YES	09/19/2024 17:57	2024-18666	COVER, MATTHEW (SECONDARY) (OFFICER) FRIEL, SAMANTHA J (SECONDARY) (OFFICER) GANNON, JUSTIN (SECONDARY) (OFFICER) HOMAN, JOEL (SECONDARY) (OFFICER) ROCKS, KYLE ROBERT (SECONDARY) (OFFICER) TERRY, MATTHEW (PRIMARY) (OFFICER) WITTIG, THOMAS (SECONDARY) (DETECTIVE)	HULDA DICK	BOWERS, BRENT S(DEFENDANT) BOWERS, CASSIDY LYNN(CONTACT) CASSERA, GEORGE DOUGLASS(CONTACT) CASSERA, JEFFREY MARTIN(ACCUSED) DJOUMEKAM MBE, HULDA(COMPLAINANT) HANDLEY, SYLVAN T(OTHER) HOLTZ, JOSEPH(CONTACT) TESTA, SCOTT VINCENT(VICTIM)	951 NETHERWOOD DR, BLUE BELL, PA	BURGLARY	CLOSED - NON TRAFFIC SUMMONS ISSUED	RESPONDED TO THE LISTED LOCATION FOR A BURGLARY. SEE REPORT.	View Documents
NO	09/17/2024 14:15	2024-18485	KOSTY, IVAN (PRIMARY) (OFFICER) OTT, ASA (SECONDARY) (OFFICER)	GEORGE CASSERA		951 NETHERWOOD DR, WHITPAIN TWP, PA	FOLLOW UP	CLOSED	REF: 2024-18479.	
NO	09/17/2024 12:36	2024-18481	KOSTY, IVAN (PRIMARY) (OFFICER)		BOWERS, CASSIDY LYNN(CONTACT) CASSERA, GEORGE DOUGLASS(CONTACT) MANNARELLI, ELIZABETH A(CONTACT) TESTA, SCOTT VINCENT(OWNER)	951 NETHERWOOD DR, BLUE BELL, PA 19422	FOLLOW UP	CLOSED	FOLLOW UP TO CASE 2024-18479. SEE REPORT FOR THAT CASE	

Report	Report Date Time	PD Case #	Officer Assigned	CAD Caller	Person Name (Type)	Incident Location	Incident / Actual CFS Type	Case Disposition	Disposition Note	View Documents
YES	09/17/2024 11:06	2024- 18479	KOSTY, IVAN (PRIMARY) (OFFICER) OTT, ASA (SECONDARY) (OFFICER)	JEFF CANSSERA	BOWERS, CASSIDY LYNN(CONTACT) CASSERA, GEORGE DOUGLASS(COMPLAINANT) CASSERA, JEFFREY MARTIN(CALLER) MANNARELLI, ELIZABETH A(CONTACT) MBE, HULDA DJOUMEKAM(ACCUSED) TESTA, SCOTT VINCENT(OWNER)	951 NETHERWOOD DR, BLUE BELL, PA 19422	CIVIL MATTER	CLOSED	CALLER NEEDED ASSISTANCE REGARDING AN AIRBNB HE HAD PAID FOR THAT WAS CANCELLED. SEE REPORT	View Documents
YES	03/25/2024 14:45	2024- 06026	ESSENTHER, KATHERINE (PRIMARY) (OFFICER) HOUSER, RICHARD (SECONDARY) (OFFICER) MCGUIRE, MICHAEL (SECONDARY) (OFFICER)	GRANT PERRY	DJOUMEKAM MBE, HULDA(CONTACT) PERRY, GRANT(CONTACT) TESTA, SCOTT VINCENT(OWNER)	951 NETHERWOOD DR, BLUE BELL, PA 19422	CIVIL MATTER	CLOSED	PERRY REPORTS HIS AIRBNB RENTAL PROPERTY'S ELECTRICITY BEING TURNED OFF. SEE REPORT	View Documents
NO	01/27/2024 13:35	2024- 01799	KOSTY, IVAN (PRIMARY) (OFFICER)	JUSTIN AUBREY	AUBRY, JUSTIN LEE(CONTACT) BARTHOLD, DEVON MARIE(CONTACT) TESTA, SCOTT VINCENT(ACCUSED)	951 NETHERWOOD DR, WHITPAIN TWP, PA	CIVIL MATTER	CLOSED	CALLER WANTED TO REPORT BEING LOCKED OUT OF HIS RENTAL PROPERTY AFTER NOT BEING THERE FOR A MONTH. CALLER STATED THERE WAS AN ABANDONMENT CLAUSE IN HIS CONTRACT AND WAS ADVISED IT WAS A CIVIL MATTER AND TO CONTACT THE COURTS.	

Report	Report Date Time	PD Case #	Officer Assigned	CAD Caller	Person Name (Type)	Incident Location	Incident / Actual CFS Type	Case Disposition	Disposition Note	View Documents
YES	10/27/2023 09:39	2023- 22249	DALY, BRIAN (PRIMARY) ESSETHIER, KATHERINE (SECONDARY) (OFFICER) FRANK, MATTHEW (SECONDARY) (OFFICER) HOUSER, RICHARD (SECONDARY) (OFFICER) ROCKS, KYLE ROBERT (SECONDARY) (OFFICER)	SCOTT	DJOUMKAM MBE, HULDA(DEFENDANT) TESTA, SCOTT VINCENT(VICTIM)	951 NETHERWOOD DR, WHITPAIN TWP, PA	HARASSMENT	CLOSED - NON TRAFFIC SUMMONS ISSUED	TESTA REPORTS BEING SCRATCHED BY HIS EX- GIRLFRIEND. DJOUMENKAM MBE ARRESTED FOR HARASSMENT. SEE REPORT.	View Documents
YES	07/07/2023 12:23	2023- 14487	VAN, JAMIL (PRIMARY) (OFFICER)	JUSTIN AUBREY	AUBRY, JUSTIN LEE(VICTIM)	951 NETHERWOOD DR, BLUE BELL, PA 19422	FRAUD ALL OTHERS	CLOSED	REPORT OF FRAUD. SEE REPORT.	View Documents
NO	11/30/2022 19:10	2022- 21649	BEITLER, SHAUN (SECONDARY) (OFFICER) SULLIVAN IV, JOSEPH HOWARD (PRIMARY) (OFFICER) VAIL, VERONICA (SECONDARY) (OFFICER)	KATHY HUGHES	HUGHES, KATHY J(COMPLAINANT) YOST, EDWARD T(OTHER)	951 NETHERWOOD DR, WHITPAIN TWP, PA	SUSPICIOUS ACTIVITY	CLOSED	HUGHES HEARD HER GATE OPEN AND CLOSE. SHE REQUESTED PD CHECK THE AREA BECAUSE SHE HAD A PRIOR INCIDENT (2022-21623) WITH EDWARD YOST. CHECKED AREA, NOTHING SUSPICIOUS WAS LOCATED. GATE WOULD NOT LATCH PROPERLY AND COULD HAVE BLOWN OPEN FROM THE WIND.	

Report	Report Date Time	PD Case #	Officer Assigned	CAD Caller	Person Name (Type)	Incident Location	Incident / Actual CFS Type	Case Disposition	Disposition Note	View Documents
NO	10/27/2022 16:08	2022- 19204	HOMAN, SETH (PRIMARY) (OFFICER)	MOLLY HERTING	HERTING, MOLLY(CONTACT) TESTA, SCOTT VINCENT(CONTACT)	951 NETHERWOOD DR, WHITPAIN TWP, PA	ASSISTING- OTHER AGENCIES	CLOSED	MET WITH CALLER REGARDING THREATS FROM AN AIRBNB HOST THAT LIVES IN WHITPAIN. THE CALLER STATED TESTA GAVE HER A BAD REVIEW ON YELP. CALLER LIVES IN CONSHEHOCKEN. ADVISED TO FOLLOW UP WITH CONSHEHOCKEN POLICE.	
NO	05/20/2022 18:30	2022- 09075	FRIEL, SAMANTHA J (PRIMARY) (OFFICER)	Dominique Howard-Diggs	HOWARD DIGGS, DOMINIQUE(CALLER)	951 NETHERWOOD DR, BLUE BELL, PA 19422	CIVIL MATTER	CLOSED	DIGGS WAS ADVISED WE COULD NOT PROVIDE TRANSPORT TO 951 NETHERWOOD DRIVE WITHOUT PERMISSION OF SCOTT TESTA FOR HER TO COLLECT BELONGINGS. ADVISED SHE NEED TO MAKE ARRANGEMENTS WITH TESTA.	
NO	05/20/2022 09:27	2022- 09047	DALY, BRIAN (PRIMARY) (OFFICER)	DOMINIQUE HOWARD- DIGGS	HOWARD DIGGS, DOMINIQUE(CONTACT)	951 NETHERWOOD DR, BLUE BELL, PA 19422	CIVIL MATTER	CLOSED	HOWARD-DIGGS REQUESTED INFORMATION ON HOW TO GET A POLICE STAND-BY TO REMOVE HER BELONGINGS FROM HER RENTED APARTMENT.	
YES	05/18/2022 00:27	2022- 08908	FRIEL, SAMANTHA J (SECONDARY) (OFFICER) RICHARD, BRIAN (SECONDARY) (OFFICER) ROTONDO, CHRISTOPHER (PRIMARY) (OFFICER)	SCOTT TESTA	HOWARD DIGGS, DOMINIQUE(CONTACT) TESTA, SCOTT VINCENT(COMPLAINANT)	951 NETHERWOOD DR, BLUE BELL, PA 19422	FAMILY OFFENSES - DOMESTIC	CLOSED	DOMESTIC BETWEEN TESTA AND DIGGS. DIGGS PROVIDED RIDE TO NORRISTOWN TRANSPORTATION CENTER. SEE REPORT.	View Documents

Report	Report Date / Time	PD Case #	Officer Assigned	CAD Caller	Person Name (Type)	Incident Location	Incident / Actual CFS Type	Case Disposition	Disposition Note	View Documents
NO	10/28/2021 13:03	2021-17750	GARCED, ANTHONY (SECONDARY) (OFFICER) KOSTY, IVAN (PRIMARY) (OFFICER)	FRANCESCO GIGLIOTTI	BUTCHIBABU, AGRIYA(CONTACT) GIGLIOTTI, FRANCESCO(COMPLAINANT)	951 NETHERWOOD DR, WHITPAIN TWP, PA	SUSPICIOUS PERSON	CLOSED	GIGLIOTTI REPORTS A MALE, NO SHOES, WEARING A GREEN SHIRT, HAS BEEN SITTING ON THE FRONT LAWN UNDER A TREE FOR THE PAST HOUR SMOKING CIGARETTES. MADE CONTACT, SUBJECT LIVES THERE AND WAS MEDITATING.	
YES	09/07/2021 13:25	2021-14889	OTT, ASA (PRIMARY) (OFFICER)		PLOTKIN, ALEXANDER(VICTIM) TESTA, SCOTT VINCENT(ACCUSED)	951 NETHERWOOD DR, BLUE BELL, PA 19422	CIVIL MATTER	CLOSED	DISPUTE REGARDING PAYMENT OF A PURCHASE. SEE REPORT.	View Documents
YES	06/23/2021 21:41	2021-10561	FRANK, MATTHEW (SECONDARY) (OFFICER) KOSTY, IVAN (PRIMARY) (OFFICER) SWEISFURTH, BRIAN (SECONDARY) (OFFICER)	SCOTT TESTA	BEVILACQUA, MICHAEL A(SUSPECT) KARL, JESSICA LYNNE(CONTACT) TESTA, SCOTT VINCENT(COMPLAINANT)	951 NETHERWOOD DR, BLUE BELL, PA 19422	SUSPICIOUS ACTIVITY	CLOSED	REPORT OF MALE KICKING FRONT DOOR. MADE CONTACT WITH MALE IN THE DRIVEWAY. SEE REPORT.	View Documents
NO	03/05/2021 10:53	2021-03914	KERR, NEAL OWEN (PRIMARY) (OFFICER)		SMITH, LATONIA ROSE(CONTACT)	951 NETHERWOOD DR, BLUE BELL, PA 19422	FOIA/RIGHT TO KNOW REQUEST	CLOSED	RECEIVED A RIGHT TO KNOW REQUEST FROM A LATONIA SMITH FOR COPIES OF REPORTS.	
YES	02/16/2021 23:13	2021-02934	BLEUIT, JON (PRIMARY) (OFFICER) BRANCO, RUBIA (SECONDARY) (OFFICER) WITTIG, THOMAS (SECONDARY) (DETECTIVE)	MARK HUROWITZ	HUROWITZ, MARC P(COMPLAINANT) SMITH, LATONIA ROSE(COMPLAINANT) TESTA, SCOTT VINCENT(SUSPECT)	951 NETHERWOOD DR, WHITPAIN TWP, PA	SUSPICIOUS ACTIVITY	CLOSED	REPORT OF A POSSIBLE SEXUAL ASSAULT THAT OCCURRED AT 951 NETHERWOOD DRIVE, SEE REPORT	View Documents
YES	07/18/2020 12:23	2020-11147	ROTONDO, CHRISTOPHER (PRIMARY) (OFFICER)		TESTA, SCOTT VINCENT(ACCUSED) WEIKEL, SUSAN LOUISE(COMPLAINANT)	951 NETHERWOOD DR, BLUE BELL, PA 19422	FRAUD ALL OTHERS	CLOSED	MET WITH WEIKEL WHO STATED HER APPLE ACCOUNT POSSIBLY BEING HACKED. SEE REPORT.	View Documents

SWEISFURTH, BRIAN

Page 6 of 11

Report	Report Date Time	PD Case #	Officer Assigned	CAD Caller	Person Name (Type)	Incident Location	Incident / Actual CFS Type	Case Disposition	Disposition Note	View Documents
JO	05/12/2020 11:15	2020- 07529	BEITLER, SHAUN (PRIMARY) (OFFICER) FRANCO, FRANK (SECONDARY) (OFFICER)	RACHAEL THOME	GAROPPO, ANDREW J(CONTACT)	951 NETHERWOOD DR, WHITPAIN TWP, PA	OTH PUB SERV/WELFAR E CHK	CLOSED	REQUEST FROM HORSHAM CLINIC TO CHECK THE WELFARE OF AN PATIENT THAT DID NOT SHOW UP FOR HIS SESSION TODAY AT 0900. MADE CONTACT WITH ANDREW GAROPPO WHO WAS OKAY AND WILL CONTACT THE HORSHAM CLINIC. HORSHAM CLINIC WAS ALSO ADVISED.	
JO	05/11/2020 10:51	2020- 07482	BRANCO, RUBIA (SECONDARY) (OFFICER) BUCHANAN, SCOTT (PRIMARY) (OFFICER)	ANJANA DESHPANDE - PROGRAM COORDINATO R	GAROPPO, ANDREW J(CONTACT)	951 NETHERWOOD DR, WHITPAIN TWP, PA	OTH PUB SERV/WELFAR E CHK	CLOSED	REQUEST FROM HORSHAM CLINIC TO CHECK THE WELFARE OF AN PATIENT THAT DID NOT SHOW UP FOR HIS SESSION TODAY. MADE CONTACT WITH ANDREW GAROPPO BY PHONE WHO WAS OK AND WILL CONTACT THE HORSHAM CLINIC.	
JO	03/05/2020 10:26	2020- 04010	KERR, NEAL OWEN (PRIMARY) (OFFICER)		SINGHAI, SHASHANK (CONTACT)	951 NETHERWOOD DR, BLUE BELL, PA	FOIA/RIGHT TO KNOW REQUEST	CLOSED	RECEIVED A RIGHT TO KNOW REQUEST FROM A SHASHANK SINGHAI FOR COPIES OF REPORTS.	
JO	01/11/2020 11:27	2020- 00610	HOUSER, RICHARD (PRIMARY) (OFFICER) OTT, ASA (SECONDARY) (OFFICER)			951 NETHERWOOD DR, WHITPAIN TWP, PA	OTH PUB SERV/WELFAR E CHK	CLOSED	STOOD BY WHILE FAMILY MEMBERS COLLECTED BELONGINGS.AIO	

Report	Report Date Time	PD Case #	Officer Assigned	CAD Caller	Person Name (Type)	Incident Location	Incident / Actual CFS Type	Case Disposition	Disposition Note	View Documents
NO	01/10/2020 10:54	2020- 00543	BLEUIT, JON (PRIMARY) HOMAN, SETH (SECONDARY) (OFFICER) MCGUIRE, MICHAEL (SECONDARY) (OFFICER) OTT, ASA (SECONDARY) (OFFICER) POTTER, BRADLY (SECONDARY) (DETECTIVE) VAIL, VERONICA (SECONDARY) (OFFICER) WITTIG, THOMAS (SECONDARY) (DETECTIVE)		MANDZIUK, KATHLEEN A(COMPLAINANT) MARANO, ALBERTO(CONTACT) RONCA, STEVEN R JR.(CONTACT)	951 NETHERWOOD DR, WHITPAIN TWP, PA	DISTURBANCE	CLOSED	RONCA ON LOCATION ATTEMPTING TO GET HIS BELONGINGS BACK. TESTA WOULD NOT ANSWER THE DOOR. RONCA WILL FILE PAPERWORK WITH DISTRICT COURT.	
NO	01/10/2020 00:11	2020- 00511	FRANK, MATTHEW (PRIMARY) (OFFICER)		TESTA, SCOTT VINCENT(COMPLAINANT)	951 NETHERWOOD DR, BLUE BELL, PA 19422	FOLLOW UP	CLOSED	REF 2020-00505. TESTA CAME INTO THE STATION TO COMPLETE A WRITTEN STATEMENT. REPORT IS COMPLETED IN CASE 2020-00505	
NO	01/09/2020 18:55	2020- 00506	FRANK, MATTHEW (SECONDARY) (OFFICER) SWEISFURTH, BRIAN (PRIMARY) (OFFICER)	SCOTT TESTA	TESTA, SCOTT VINCENT(COMPLAINANT)	951 NETHERWOOD DR, WHITPAIN TWP, PA	SUSPICIOUS ACTIVITY	CLOSED	REF 2020-00505. SAME INCIDENT. TENANT CALLED TESTA AND TESTA CALLED 911 AGAIN REGARDING RONCA ON LOCATION.	
YES	01/09/2020 18:34	2020- 00505	FRANK, MATTHEW (PRIMARY) (OFFICER) SWEISFURTH, BRIAN (SECONDARY) (OFFICER)	SCOTT TESTA	GIGLIOTTI, ASHLEY NICOLE(CONTACT) MANDZIUK, KATHLEEN A(CONTACT) RONCA, STEVEN R JR.(CONTACT) TESTA, SCOTT VINCENT(COMPLAINANT)	951 NETHERWOOD DR, BLUE BELL, PA	CIVIL MATTER	CLOSED	TESTA REPORTS PEOPLE WALKING AROUND HIS PROPERTY AND SOMEONE KICKING THE DOOR. SPOKE WITH RONCA WHO WAS PICKING UP HIS BELONGINGS. SEE REPORT	View Documents

Thursday, November 21, 2024 3:48:56 PM

SWEISFURTH, BRIAN

Page 8 of 13

Report	Report Date Time	PD Case #	Officer Assigned	CAD Caller	Person Name (Type)	Incident Location	Incident / Actual CFS Type	Case Disposition	Disposition Note	View Documents
NO	01/09/2020 15:15	2020- 00492	NICKEL, STEPHEN (PRIMARY) (OFFICER) SULLIVAN IV, JOSEPH HOWARD (SECONDARY) (OFFICER)		RONCA, STEVEN R JR.(COMPLAINANT)	951 NETHERWOOD DR, WHITPAIN TWP, PA	CIVIL MATTER	CLOSED	RONCA REQUESTED AN ESCORT TO THE PROPERTY TO PICK UP BELONGINGS THAT HIS LANDLORD HAD PLACED OUTSIDE. DISCUSSED ONGOING LANDLORD / TENANT ISSUES AT THIS PROPERTY AND OPTIONS.	
YES	12/26/2019 01:52	2019- 29389	GALLAGHER, JONATHAN (SECONDARY) (OFFICER) SULLIVAN IV, JOSEPH HOWARD (PRIMARY) (OFFICER) VAIL, VERONICA (SECONDARY) (OFFICER)	SHASHANK SINGHAI	SINGHAI, SHASHANK (COMPLAINANT) TESTA, SCOTT VINCENT(CONTACT)	951 NETHERWOOD DR, BLUE BELL, PA 19422	CIVIL MATTER	CLOSED	CALLER REPORTS THAT HIS LANDLORD HAS EVICTED HIM FROM HIS APARTMENT. SEE REPORT.	View Documents
NO	11/26/2019 15:19	2019- 28067	KERR, NEAL OWEN (PRIMARY) (OFFICER)		RONCA, STEVEN R JR.(CONTACT)	951 NETHERWOOD DR, BLUE BELL, PA 19422	FOIA/RIGHT TO KNOW REQUEST	NO REPORT/NO FURTHER ACTION	No Report / No Further Action	
YES	11/11/2019 08:54	2019- 27073	VAIL, VERONICA (PRIMARY) (OFFICER)		RONCA, STEVEN R JR.(COMPLAINANT)	951 NETHERWOOD DR, BLUE BELL, PA 19422	SUSPICIOUS ACTIVITY	CLEARED BY EXCEPTIONAL MEANS	RONCA REPORTED HOCKEY STICKS MISSING FROM HIS FRONT PORCH. SEE REPORT.	View Documents
NO	10/31/2019 18:55	2019- 26092	FRANK, MATTHEW (PRIMARY) (OFFICER)		MANDZIUK, KATHLEEN A(COMPLAINANT) WEIKEL, SUE(CONTACT)	951 NETHERWOOD DR, WHITPAIN TWP, PA	ASSISTING- FIRE DEPT	CLOSED	CALLER REPORTS SEEING A BONFIRE AND SMOKE IN THE AREA OF NETHERWOOD AND SHEFFIELD. DC33 RESPONDED AND PUT OUT THE FIRE. WEIKEL WAS ADVISED OF THE ORDINANCES FOR BURNING.	
NO	10/14/2019 13:56	2019- 24308	VAIL, VERONICA (PRIMARY) (OFFICER)			951 NETHERWOOD DR, WHITPAIN TWP, PA	FOLLOW UP	CLOSED	FOLLOW-UP FOR CASE 2019-24112. SEE SUPPLEMENT.	

Thursday, November 21, 2024 3:48:56 PM

SWEISFURTH, BRIAN

Page 9 of 13

Report	Report Date Time	PD Case #	Officer Assigned	CAD Caller	Person Name (Type)	Incident Location	Incident / Actual CFS Type	Case Disposition	Disposition Note	View Documents
NO	10/12/2019 18:24	2019- 24155	BEALER, MATTHEW A (SECONDARY) (OFFICER) VAN, JAMIL (PRIMARY) (OFFICER)			951 NETHERWOOD DR, WHITPAIN TWP, PA	FOLLOW UP	CLOSED	NEIGHBORHOOD CANVASS. SEE SUPPLEMENT.	
NO	10/12/2019 08:24	2019- 24139	CIANCI, ANTHONY (SECONDARY) (OFFICER) GALLAGHER, JONATHAN (PRIMARY) (OFFICER)		GRZYBOWSKI, MARY SUE(COMPLAINANT)	951 NETHERWOOD DR, WHITPAIN TWP, PA	ESCORTS	CLOSED	ESCORTED MARY GRZYBOWSKI TO HER RESIDENCE TO RETRIEVE SOME PERSONAL ITEMS. GRZYBOWSKI IS FRIGHTENED OF HER LANDLORD, SCOTT TESTA. TESTA NOT ON SCENE. CLEARED WITHOUT INCIDENT.	
YES	10/11/2019 23:53	2019- 24112	BEALER, MATTHEW A (SECONDARY) (OFFICER) VAN, JAMIL (PRIMARY) (OFFICER)	MARY GRZYBOSKI	GRZYBOWSKI, MARY SUE(VICTIM) MANDZIUK, KATHLEEN A(CONTACT) TESTA, SCOTT VINCENT(CONTACT)	951 NETHERWOOD DR, BLUE BELL, PA 19422	BURGLARY	CLOSED	REPORT OF A BURGLARY JUST DISCOVERED. SEE REPORT.	View Documents
NO	10/11/2019 09:48	2019- 24046	GALLAGHER, JONATHAN (SECONDARY) (OFFICER) NICKEL, STEPHEN (PRIMARY) (OFFICER)	MARY GRZYBOWSKI	GRZYBOWSKI, MARY SUE(COMPLAINANT) TESTA, SCOTT VINCENT(OWNER)	951 NETHERWOOD DR, WHITPAIN TWP, PA	CIVIL MATTER	CLOSED	MET WITH MARY GRZYBOWSKI WHO ADVISED SCOTT TESTA IS THREATENING HER WITH A CIVIL SUIT IF SHE DOES NOT ABIDE BY THE LEASE. MARY INTENDS ON MOVING BACK TO NORTH CAROLINA. CIVIL MATTER.	
YES	10/08/2019 14:55	2019- 23764	GALLAGHER, JONATHAN (PRIMARY) (OFFICER) WHITPAIN TWP, PD (SECONDARY) (OFFICER)	OPOKU ABU- GYAMFI	ADU-GYAMFI, OPOKU (COMPLAINANT) TESTA, SCOTT VINCENT(CONTACT)	951 NETHERWOOD DR, BLUE BELL, PA 19422	CIVIL MATTER	CLOSED	ADU-GYAMFI REPORTS GIVING SCOTT TESTA A SECURITY DEPOSIT FOR AN APARTMENT. TESTA DENIED ADU- GYAMFI RENTAL OF THE PROPERTY AND DID NOT RETURN THE DEPOSIT. SEE REPORT.	View Documents

Thursday, November 21, 2024 3:48:56 PM

SWEISFURTH, BRIAN

Page 10 of 13

Report	Report Date / Time	PD Case #	Officer Assigned	CAD Caller	Person Name (Type)	Incident Location	Incident / Actual CFS Type	Case Disposition	Disposition Note	View Documents
NO	08/11/2019 13:09	2019-18606	HOMAN, SETH (PRIMARY) (OFFICER)		RONCA, STEVEN R JR.(COMPLAINANT)	951 NETHERWOOD DR, BLUE BELL, PA 19422	POLICE INFORMATION	CLOSED	SPOKE WITH RONCA BY PHONE WHO REQUESTED ADVICE ON HOW TO KEEP SOMEONE FROM CALLING HIM. ADVISED HIM TO BLOCK THE PHONE NUMBER.	
NO	05/28/2019 19:55	2019-12659	KOSTY, IVAN (PRIMARY) (OFFICER)		COHEN, ROBERT BRIAN(COMPLAINANT) TESTA, SCOTT VINCENT(ACCUSED)	951 NETHERWOOD DR, BLUE BELL, PA 19422	CIVIL MATTER	CLOSED	CONTACT CAME TO STATION TO REPORT NOT BEING PAID FOR TREE SERVICE RENDERED TODAY. CONTACT HAS HAD COMMUNICATION WITH ACCUSED AND WAS ADVISED TO PROCEED CIVILLY IF PAYMENT IS NOT RECEIVED SOON.	
YES	04/01/2019 12:36	2019-07728	BUCHANAN, SCOTT (PRIMARY) (OFFICER)		HARLEY, SHANNA N(COMPLAINANT) TESTA, SCOTT VINCENT(CONTACT)	951 NETHERWOOD DR, BLUE BELL, PA 19422	CIVIL MATTER	CLEARED BY EXCEPTIONAL MEANS	HARLEY GAVE TESTA A CASHIER CHECK FOR \$5985.00 TO RENT THE PROPERTY AT 951 NETHERWOOD. (FIRST AND LAST MONTH PLUS SECURITY DEPOSIT) SHE DECLINED AND DID NOT SIGN THE LEASE BUT TESTA DEPOSITED THE CHECK AND SHE WANTS HER MONEY BACK. APPEARS CIVIL.	View Documents
NO	03/29/2019 02:13	2019-07465	BLEUIT, JON (SECONDARY) (OFFICER) HOMAN, SETH (SECONDARY) (OFFICER) VAIL, VERONICA (PRIMARY) (OFFICER)	MICHELLE	GRENIG, DAN(PATIENT)	951 NETHERWOOD DR, WHITPAIN TWP, PA	MEDICAL ASSISTANCE	CLOSED	TRANSPORTED TO AMH VIA 385 FOR A HEAD INJURY AFTER A SEIZURE.	

Report	Report Date Time	PD Case #	Officer Assigned	CAD Caller	Person Name (Type)	Incident Location	Incident / Actual CFS Type	Case Disposition	Disposition Note	View Documents
IO	03/05/2019 23:10	2019- 05626	KOSTY, IVAN (PRIMARY) (OFFICER)			951 NETHERWOOD DR, BLUE BELL, PA 19422	FOLLOW UP	CLOSED	LEFT SUBPOENA FOR SCOTT TESLA. ACKNOWLEDGED VIA EMAIL.	
IO	03/04/2019 19:21	2019- 05518	KOSTY, IVAN (PRIMARY) (OFFICER)			951 NETHERWOOD DR, WHITPAIN TWP, PA	FOLLOW UP	CLOSED	ATTEMPTED TO SERVE SUBPOEANA TO SCOTT TESTA FOR CASE 2019- 03669. UNABLE TO SERVE. WILL HAVE DAYWORK ATTEMPT AGAIN.	
	06/05/2018 21:46	201806 05095	CONKLIN, LAUREN (PRIMARY) (OFFICER)			951 NETHERWOOD DR, PA	ASSISTING- OTHER AGENCIES	CLOSED		
	10/28/2017 18:38	201710 28043	STRUS, STEPHEN (PRIMARY) (OFFICER)			951 NETHERWOOD DR, PA	ASSISTING- OTHER AGENCIES	CLOSED		
	10/11/2017 14:50	201710 11047	MAXWELL, MICHAEL (PRIMARY) (OFFICER)			951 NETHERWOOD DR, PA	COMMUNITY RELATIONS ACTIVITY	CLOSED		
	09/26/2017 11:41	201709 26048	MAXWELL, MICHAEL (PRIMARY) (OFFICER)			951 NETHERWOOD DR, PA	HARASSMENT	CLOSED		
	09/23/2016 14:37	201609 23041	KANIEWSKI, JAMES (PRIMARY) (OFFICER)			951 NETHERWOOD DR, PA	FOLLOW UP	CLOSED		
	09/06/2016 11:28	201609 06045	KANIEWSKI, JAMES (PRIMARY) (OFFICER)			951 NETHERWOOD DR, PA	PARKING VIOLATION COMPLAINT	CLOSED		
	04/18/2016 11:30	201604 18042	STRUS, STEPHEN (PRIMARY) (OFFICER)			951 NETHERWOOD DR, PA	SUSPICIOUS ACTIVITY	CLOSED		
	04/18/2016 10:00	201604 18038	STRUS, STEPHEN (PRIMARY) (OFFICER)			951 NETHERWOOD DR, PA	POLICE INFORMATION	CLOSED		

Report	Report Date Time	PD Case #	Officer Assigned	CAD Caller	Person Name (Type)	Incident Location	Incident / Actual CFS Type	Case Disposition	Disposition Note	View Documents
	01/16/2016 00:53	201601 16003	GREGER, MARK (SECONDARY) (OFFICER) MAXWELL, MICHAEL (PRIMARY) (OFFICER)		TESTA, CAROLINE(COMPLAINANT) (JUVENILE) TESTA, ELIZABETH SWANN(WITNESS) (JUVENILE) TESTA, SCOTT VINCENT(VICTIM)	951 NETHERWOOD DR, BLUE BELL, PA 19422, PA	ASSISTING- OTHER AGENCIES	CLEARED BY EXCEPTIONAL MEANS		
	10/10/2015 21:15	201510 10055	STONG, KATHY (PRIMARY) (OFFICER)			951 NETHERWOOD DR, PA	SUSPICIOUS PERSON	CLOSED		
	10/06/2015 14:25	201510 06065	MAXWELL, MICHAEL (SECONDARY) (OFFICER) VANEKELEN, JOHN (PRIMARY) (OFFICER)		GIGLIOTTI, FRANCESCO(COMPLAINANT) TESTA, SCOTT VINCENT(SUSPECT)	951 NETHERWOOD DR, BLUE BELL, PA 19422, PA	MUN ORD VIOLATIONS	CLEARED BY EXCEPTIONAL MEANS		
	09/29/2015 16:25	201509 29087	VANEKELEN, JOHN (PRIMARY) (OFFICER)			951 NETHERWOOD DR, PA	OTHER NON- CRIMINAL INV GENERAL POLICE	CLOSED		
	09/26/2015 15:37	201509 26043	STONG, KATHY (PRIMARY) (OFFICER)			951 NETHERWOOD DR, PA	FAMILY OFFENSES - DOMESTIC	CLOSED		
	02/20/2014 01:36	201402 20010	STRUS, STEPHEN (PRIMARY) (OFFICER)			951 NETHERWOOD DR, PA	COMMUNITY RELATIONS ACTIVITY	CLOSED		
	02/19/2014 16:45	201402 19058	STONG, KATHY (PRIMARY) (OFFICER)			951 NETHERWOOD DR, PA	COMMUNITY RELATIONS ACTIVITY	CLOSED		

Thursday, November 21, 2024 3:48:56 PM

SWEISFURTH, BRIAN

Page 13 of 13

Exhibit “J”

Agency Cases Search List

Agency: WHITPAIN TOWNSHIP POLICE DEPARTMENT Location/Address: 634 School Incident Location Only: YES Last Name: Testa First Name: Scott

Report ?	Report Date Time	PD Case #	Officer Assigned	CAD Caller	Person Name (Type)	Incident Location	Agency Incident / Actual CFS Type	Case Disposition	Disposition Note	View Documents
YES	04/15/2024 22:36	2024-07657	DETWEILER, LANDON P (PRIMARY) (OFFICER)	ROB WEIGHTMAN	MCGETTIGAN, JASON (CONTACT) SLATER, ROBERT BRIAN(OWNER) TESTA, SCOTT VINCENT(OTHER) WEIGHTMAN, ROBERT E JR(CALLER)	634 SCHOOL RD, BLUE BELL, PA 19422	CIVIL MATTER	CLOSED	REPORT OF SLATER'S VEHICLE BEING TOWED OFF HIS PROPERTY. DETERMINED TO BE A CIVIL MATTER. SEE REPORT.	View Documents
YES	10/26/2023 19:21	2023-22194	GARCED, ANTHONY (PRIMARY) (OFFICER)	CAMERON DUGGAR	DUGGER, CAMERON(COMPLAINANT) TESTA, SCOTT VINCENT(OTHER)	634 SCHOOL RD, BLUE BELL, PA 19422	CIVIL MATTER	CLOSED	DUGGER STATED HER LANDLORD TURNED OFF THE GAS. SEE REPORT.	View Documents
YES	02/04/2022 22:45	2022-02063	FRANK, MATTHEW (SECONDARY) (OFFICER) HOUSER, RICHARD (PRIMARY) (OFFICER) RIPPERT, FRANCIS PAUL (SECONDARY) (OFFICER) SULLIVAN IV, JOSEPH HOWARD (SECONDARY) (OFFICER)	RAPID RESPONSE/68 569	KARL, JESSICA LYNNE(CONTACT) TESTA, SCOTT VINCENT(COMPLAINANT)	634 SCHOOL RD, BLUE BELL, PA 19422	ALARM BURGLARY OR HOLD UP RESIDENCE	FALSE ALARM BURGLARY	1ST ALARM IN 2022. JESSICA KARL WAS ON LOCATION ATTEMPTING TO GET HER PHONE. SEE REPORT	View Documents
YES	10/03/2020 10:05	2020-15876	BLEUIT, JON (SECONDARY) (OFFICER) DALY, BRIAN (SECONDARY) (OFFICER) HOMAN, SETH (SECONDARY) (OFFICER) VAIL, VERONICA (PRIMARY) (OFFICER)	SCOTT TSTA	TESTA, SCOTT VINCENT(CALLER) WALKER, HOWARD DEREK(DEFENDANT) WHEELER, TIARA ESSENCE(CONTACT)	634 SCHOOL RD, BLUE BELL, PA 19422	PROPERTY DAMAGE REPORT	INACTIVE	WALKER (TENANT) DAMAGED TESTAS (LANDLORD) DOOR TO THE RESIDENCE. SEE REPORT.	View Documents

Thursday, November 21, 2024 3:59:23 PM

SWEISFURTH, BRIAN

Report	Report Date Time	PD Case #	Officer Assigned	CAD Caller	Person Name (Type)	Incident Location	Agency Incident / Actual CFS Type	Case Disposition	Disposition Note	View Documents
YES	10/02/2020 20:50	2020- 15853	BEITLER, SHAUN (SECONDARY) (OFFICER) BUCHANAN, SCOTT (SECONDARY) (OFFICER) VUOTTO, BIANCA (PRIMARY) (OFFICER)	HOWARD WALKER	TESTA, SCOTT VINCENT(CONTACT) WALKER, HOWARD DEREK(CALLER) WHEELER, TIARA ESSENCE(CONTACT)	634 SCHOOL RD, BLUE BELL, PA 19422	CIVIL MATTER	CLOSED	WALKER CONTACTED PD AFTER HIS LANDLORD DISABLED KEY CODE TO GAIN ENTRY INTO HIS RESIDENCE. CONTACTED LANDLORD AND LEFT A MESSAGE TO CONTACT PD. SEE REPORT.	View Documents
NO	08/24/2018 21:33	2018- 04731	FRANK, MATTHEW (PRIMARY) (OFFICER)	FRANSICO LOPEZ	LOPEZ, FRANCISCO JAVIER(CALLER) TESTA, SCOTT VINCENT(OWNER)	634 SCHOOL RD, WHITPAIN TWP, PA	CIVIL MATTER	CLOSED	REF: 2018-04718. SPOKE WITH LOPEZ WHO WAS CONCERNED ITEMS WERE LEFT BEHIND. ATTEMPTED TO CONTACT TESTA BUT IT WAS UNSUCCESSFUL. LOPEZ WAS ADVISED THAT IT IS A CIVIL MATTER AND OPTIONS WERE GIVEN. LOPEZ WAS SATISFIED.	
NO	08/24/2018 17:50	2018- 04718	FRANK, MATTHEW (SECONDARY) (OFFICER) GALLAGHER, JONATHAN (SECONDARY) (OFFICER) NICKEL, STEPHEN (PRIMARY) (OFFICER)	FRANCISCO LOPEZ	LOPEZ, FRANCISCO JAVIER(CALLER) TESTA, SCOTT VINCENT(OWNER)	634 SCHOOL RD, WHITPAIN TWP, PA	CIVIL MATTER	CLOSED	DISPUTE BETWEEN LANDLORD AND TENNANT, MATTER RESOLVED. NPA.	

3. The Township has enacted a series of Ordinances, known collectively as the Code of the Township of Whitpain (“Code”).
4. Defendant, Scott Testa, is the owner of record of the properties located at 951 Netherwood Drive, Blue Bell, Pennsylvania 19422, Tax Map Parcel number 66-00-04621-00-2 and 634 School Road, Blue Bell, Pennsylvania 19422, Tax Map Parcel number 66-00-06049-00-5 (“Subject Properties”). A true and correct copy of the deeds for the property is attached to the Complaint as Exhibit “A”.
5. Upon information and belief, the Subject Properties has been converted into a multifamily dwellings without obtaining a zoning variance.
6. Upon information and belief, Defendant is utilizing both Subject Properties as a short-term rental properties (“Subject Units”).
7. Upon information and belief, Defendant is soliciting offers for short-term rental of the Subject Properties on web-based listing sites such as AirBnB and/or VRBO.
8. The Subject Properties are in the Township’s R - Residential District (“District”).
9. According to Chapter 160, Article V, §160-13 of the Code, the following are the only uses permissible by-right in the District:

A. Single-family detached dwelling.

B. Farms and farm buildings; municipal recreation use.

C. Municipal buildings of other than commercial character devoted to community service.

D. (Reserved)

E. The following accessory uses:

(1) Private greenhouse.

(2) A home occupation, in accordance with the standards set forth in § 160-212.

(3) No-impact home-based businesses in accordance with the standards set forth in § 160-213. [Added 11-19-2002 by Ord. No. 4-183]

10. The Subject Properties are currently and have previously been listed as online short-term rental listing services, including, but not limited to, AirBnB and VRBO and such use is impermissible in the District.

11. On or about October 2, 2019, the Township issued a Zoning Enforcement Notice to the property located at 634 School Road, listing a violation of Chapter 160, Article V, §160-13 of the Code: Illegal conversion of a single family dwelling and violation of definition of family. (A true and correct copy of the Notice is attached hereto as Exhibit “B.”).

12. On or about June 3, 2022, the Township issued a Violation Notice to the property located at 634 School Road, listing a violation of Ordinance No. 22-40, Chapter 71, 2018 International Property Maintenance Code; Section 302.4 & 308.1: (A true and correct copy of the Notice is attached hereto as Exhibit “C.”).

13. The Notice stated, in part, that the Defendant was in violation of the following sections of the Codes:

a.) 302.4 Weeds. Premises and exterior property shall be maintained free from weeds or plant growth in excess of 12 inches. Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens. Upon failure of the owner or agent having charge of the property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or

contractor the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

b.) 308.1 Accumulation of rubbish or garbage. Exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage. (i.e. piles of wood chips, buckets, barrels, tires and other miscellaneous items.)

See Exhibit C.

14. On or about June 21, 2022, the Township issued a Violation Notice to the property located at 634 School Road, listing a violation of Ordinance No. 22-40, Chapter 71, 2018 International Property Maintenance Code; Section 308.1: (A true and correct copy of the Notice is attached hereto as Exhibit "D.").

15. The Notice stated, in part, that the Defendant was in violation of the following section of the Code:

a.) 308.1 Accumulation of rubbish or garbage. Exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage. (i.e. piles of wood chips, buckets, barrels, tires and other miscellaneous items.)

See Exhibit D.

16. On or about June 9, 2023, the Township issued a Notice of Violation to the property located at 634 School Road, listing a violation of Chapter 160, Article V, §160-13 of the Code: Illegal conversion of a single family dwelling and violation of definition of family. (A true and correct copy of the Notice is attached hereto as Exhibit "E.").

17. On or about June 9, 2023, the Township issued a Notice of Violation to the property located at 951 Netherwood Drive, listing a violation of Chapter 160, Article V, §160-13 of the Code: Illegal conversion of a single family dwelling and violation of definition of family. (A true and correct copy of the Notice is attached hereto as Exhibit "F.").

18. On or about August 14, 2024, the Township issued a Violation Notice to the property located at 951 Netherwood Drive,, listing a violation of Ordinance No. 71-33, Chapter 71, 2018 International Property Maintenance Code; Section 304.4 and 308.1. (A true and correct copy of the Notice is attached hereto as Exhibit “G.”).

19. The Notice stated, in part, that the Defendant was in violation of the following sections of the Codes:

a.) 308.1 Accumulation of rubbish or garbage. Exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage. (i.e. piles of wood chips, buckets, barrels, tires and other miscellaneous items.)

See Exhibit G.

20. On or about September 24, 2024, the Township issued a Notice of Violation to the property located at 951 Netherwood Drive, listing a violation of Chapter 160, Article V, §160-13 of the Code: Illegal conversion of a single family dwelling and violation of definition of family. (A true and correct copy of the Notice is attached hereto as Exhibit “H.”).

21. On October 29, 2023, March 25, 2024, April 27, 2024 and September 17, 2024 Whitpain Police were called to the Subject Property located at 951 Netherwood Drive, for incidents between the Defendant and various renters regarding disputes surrounding the rental, including harassment, failure to refund payment, and changing of security codes.

22. The Whitpain Police Department has responded to multiple calls a year, for the past ten years at the Subject Property located at 951 Netherwood Drive, related to rental disputes.

(See Police Blotter from 2014-2024 for 951 Netherwood Drive, attached hereto as Exhibit “I.”)

23. The Whitpain Police Department has responded to six calls, from 2018 through 2024 at the Subject Property located at 634 School Lane, related to rental disputes. (See Police Blotter from 2014-2024 for 951 Netherwood Drive, attached hereto as Exhibit “J.”)

24. As of the filing of the instant pleading, the Defendant has still failed to address the Code issues.

25. The Defendant has violated the Code by continuing to maintain the Subject Properties in a manner that poses a public health and safety risk.

26. By the Defendant’s failure to maintain the Subject Properties in a manner consistent with the requirements of the Code, the Property poses a threat to the health, welfare, and safety of the residents of the Township. Further, the condition of the Property constitutes a nuisance and is a blight on the community.

27. The Township is empowered to institute any appropriate action to prevent, restrain, correct or abate any condition at, or of, any building, structure, or land that is being used or maintained in violation of a Township ordinance enacted pursuant to the Municipalities Planning Code, 53 P.S. §10617.

28. The Township is further empowered to enforce its ordinances through an action in equity in the court of common pleas where the Township is situated. 53 P.S. §66601.

29. The maintenance of the Subject Properties in such a condition that it has created a dangerous condition, insofar as the condition of the Subject Properties pose a threat to residents, guests invited onto the Subject Properties, and emergency personnel.

30. If a situation arose which would require the presence of emergency personnel, including firefighters or emergency medical technicians, the condition of the Subject Properties are such that there is a risk of harm to emergency personnel due to the immense amount of overgrowth and instability of accessory structure.
31. As a result, should a fire start on the Subject Properties, the Township's emergency personnel would be ill equipped to combat the fire. Further, should a medical emergency occur on the Subject Properties, the Township's emergency personnel would be ill equipped to provide emergency medical services. Finally, the condition of the Subject Properties creates a risk of harm to the Township's emergency personnel themselves.
32. Accordingly, the Township seeks an Order that the Defendant remediate the Code issues within twenty (20) days.
33. Further, the Township seeks an Order allowing it onto the Subject Properties to secure the Subject Properties in a manner it deems fit to protect the health, safety, and welfare of Township residents if the Defendant fail to remediate the Code issues as directed
34. Further, the Township seeks an Order that allows the Township access to the Subject Properties to remediate the Code violations if the Defendant fail to do so.
35. Further, the Township seeks an Order that allows it to lien the Subject Properties for the cost of the Township actions referenced in the paragraphs above.
36. In relation to the forgoing, immediate and irreparable injury will be sustained by the Township before a hearing can be held on the Township's Petition for Preliminary Injunction as the continued condition of the Property will put the safety and health of the

residents of the Township and guests invited onto the Subject Properties, and the Township's emergency personnel in jeopardy for the reasons listed above.

37. Violation of an ordinance is per se irreparable harm. Township of Little Britain v. Lancaster County Turf Products, Inc., 604 A.2d 1225 (Pa. Commw. Ct. 1992); Gateway Metals, Inc. v. Municipality of Monroeville, 525 A.2d 478 (Pa. Commw. Ct. 1987) (en banc).

38. A greater injury will occur from refusing the injunction than from granting it because if the injunction is not granted, the safety and health of the residents of the Township, guests invited onto the Subject Properties, and the Township's emergency personnel would be in jeopardy for the reasons listed above.

39. The injunction will restore the parties to the status quo as the Defendant will be required to maintain the Subject Properties in compliance with the Code.

40. The wrong committed by the Defendant is manifest as the Defendant ha willfully and purposely continued to maintain the Property in violation of the Code and willfully and purposely failed to remediate the Code issues at the Subject Properties after the Township notified the Defendant of the above-referenced Code violations.

41. Specifically, Defendant has permitted the Subject Property to continuously be used as an short term rental despite the issuance of clear notice that such use is not permissible.


42. Defendant's use of the Subject Properties is clearly adverse to the health, safety, and wellness of the community.

43. A greater injury will occur from refusing the injunction than from granting it because if the injunction is not granted, the safety and health of the residents of the Township will continue to be adversely effected by Defendant's illegal use of the Subject Properties.
44. The injunction will restore the parties to the *status quo* as it will compel the Subject Properties into compliance with the Code.
45. The wrong committed by Defendant is manifest as they have willfully and flagrantly misused the Subject Properties in violation of the Code.
46. The Township's right to relief is clear as the Township has an affirmative duty to protect the health and safety of its residents and emergency personnel and to ensure that all properties are maintained according to the Codes, and the Township is likely to win on the merits at a permanent injunction hearing.

WHEREFORE, for the foregoing reasons, the Township of Whitpain respectfully requests that this Honorable Court grant its Preliminary Injunction requiring Defendants to remove all residential and overnight accommodation from the Subject Properties and permitting the Township to conduct inspections of the Subject Properties to ensure compliance with the Code.

**CLARKE, GALLAGHER, BARBIERO,
AMUSO & GLASSMAN LAW**

By:


Gregory R. Heleniak, Esquire
Melissa A. Osborne, Esquire
Attorneys for Whitpain Township

Date: 12/6/24

Exhibit “1”

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA

WHITPAIN TOWNSHIP

vs.

SCOTT TESTA

NO. 2024-27992

NOTICE TO DEFEND – CIVIL

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

LAWYER REFERENCE SERVICE
MONTGOMERY BAR ASSOCIATION
100 West Airy Street (REAR)
NORRISTOWN, PA

19404-0268 (610) 279-9660, EXTENSION 201

PRIF0034

R 10/11

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA

WHITPAIN TOWNSHIP

vs.

SCOTT TESTA

NO. 2024-27992

CIVIL COVER SHEET

State Rule 205.5 requires this form be attached to any document commencing an action in the Montgomery County Court of Common Pleas. The information provided herein is used solely as an aid in tracking cases in the court system. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.

Name of Plaintiff/Appellant's Attorney: GREGORY HELENIAC, Esq., ID: 314427

Self-Represented (Pro Se) Litigant ☐

Class Action Suit

☐

Yes

☒

No

MDJ Appeal

☐

Yes

☒

No

Money Damages Requested

☐

Commencement of Action:

Complaint

Amount in Controversy:

Case Type and Code

Real Property:

Other

Other:

CIVIL ACTION-EQUITY

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NO.

J.

3. Defendant shall remove the Subject Properties from all online short-term rental listing services, including, but not limited to, AirBnB and VRBO.
4. Defendant shall use the Subject Properties only for uses permitted by the Township's Zoning Ordinance and for no other;
5. The Township shall be permitted to conduct inspections of the Subject Properties between the hours of 8:00 AM and 6:00 PM to ensure compliance with the terms of this Order, provided that the Township gives Defendant 24 hours' notice by posting on the Subject Properties;
6. Defendant shall reimburse the Township for reasonable attorney's fees in the amount of \$_____ for their continuous, willful and deliberate disregard of the applicable Township Ordinances and directives from Code Enforcement Officers; and
7. The following additional relief as deemed just and necessary:

BY THE COURT:

J.

**CLARKE, GALLAGHER, BARBIERO,
AMUSO & GLASSMAN LAW**
By: Gregory R. Heleniak, Esquire
Identification No. 314427
By: Melissa A. Osborne, Esquire
Identification No. 203966
1300 Virginia Drive, Suite 405
Fort Washington, PA 19034
(215) 633-1890

Attorneys for Whitpain Township

WHITPAIN TOWNSHIP
960 Wentz Road
Blue Bell, PA 19422

Plaintiff,

v.

SCOTT TESTA
4123 Bayberry Drive
Lafayette Hill, PA 19444

**IN THE COURT OF COMMON PLEAS
MONTGOMERY COUNTY,
PENNSYLVANIA**

CIVIL ACTION – EQUITY

NO.

NOTICE

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you and judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Montgomery County is required, by law, to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the Court, please contact our office. All arrangements must be made at least 72 hours prior to any hearing or business before the Court. You must attend the scheduled conference or hearing.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

**MONTGOMERY COUNTY BAR ASSOCIATION
100 West Airy Street
Norristown, Pennsylvania 19401
(610) 279-9660**

**CLARKE, GALLAGHER, BARBIERO,
AMUSO & GLASSMAN LAW**

By: Gregory R. Heleniak, Esquire

Identification No. 314427

By: Melissa A. Osborne, Esquire

Identification No. 203966

1300 Virginia Drive, Suite 405

Fort Washington, PA 19034

(215) 633-1890

Attorneys for Whitpain Township

WHITPAIN TOWNSHIP

960 Wentz Road

Blue Bell, PA 19422

Plaintiff,

V.

SCOTT TESTA

4123 Bayberry Drive

Lafayette Hill, PA 19444

• • • • •

**IN THE COURT OF COMMON PLEAS
MONTGOMERY COUNTY,
PENNSYLVANIA**

CIVIL ACTION - EQUITY

NO.

COMPLAINT

Plaintiff, by and through its attorneys Gregory R. Heleniak, Esquire and Melissa A. Osborne, Esquire, of Rudolph Clarke, LLC, hereby avers as follows:

1. Plaintiff is the Township of Whitpain, Montgomery County, Pennsylvania (“Township”), a duly-organized Second Class Township, with principal offices located at 960 Wentz Road, Blue Bell, PA, 19422.

2. The Township has enacted a series of Ordinances, known collectively as the Code of the Township of Whitpain ("Code").

3. Defendant Scott Testa, is the owner of record of the properties located at 951 Netherwood Drive, Blue Bell, Pennsylvania 19422, Tax Map Parcel number 66-00-04621-00-2

and 634 School Road, Blue Bell, Pennsylvania 19422, Tax Map Parcel number 66-00-06049-00-5 (“Subject Properties”). A true and correct copy of the deeds for the Subject Properties is attached hereto as Exhibit “A”.

4. Upon information and belief, the Subject Properties have been converted into a multifamily dwellings without obtaining a zoning variance.

5. Upon information and belief, Defendants are utilizing both Subject Properties as a short-term rental properties (“Subject Units”).

6. Upon information and belief, Defendants are soliciting offers for short-term rental of the Subject Properties on web-based listing sites such as AirBnB and/or VRBO.

7. The Subject Properties are in the Township’s R - Residential District (“District”).

8. According to Chapter 160, Article V, §160-13 of the Code, the following are the only uses permissible by-right in the District:

- A. Single-family detached dwelling.
- B. Farms and farm buildings; municipal recreation use.
- C. Municipal buildings of other than commercial character devoted to community service.
- D. (Reserved)
- E. The following accessory uses:

(1) Private greenhouse.

(2) A home occupation, in accordance with the standards set forth in

§ 160-212.

(3) No-impact home-based businesses in accordance with the standards set forth in § 160-213. [Added 11-19-2002 by Ord. No. 4-183]

9. The Subject Properties are currently and have previously been listed as online short-term rental listing services, including, but not limited to, AirBnB and VRBO and such use is impermissible in the District.

10. On or about October 2, 2019, the Township issued a Zoning Enforcement Notice to the property located at 634 School Road, listing a violation of Chapter 160, Article V, §160-13 of the Code: Illegal conversion of a single family dwelling and violation of definition of family. (A true and correct copy of the Notice is attached hereto as Exhibit "B.").

11. On or about June 3, 2022, the Township issued a Violation Notice to the property located at 634 School Road, listing a violation of Ordinance No. 22-40, Chapter 71, 2018 International Property Maintenance Code; Section 302.4 & 308.1: (A true and correct copy of the Notice is attached hereto as Exhibit "C.").

12. The Notice stated, in part, that the Defendants were in violation of the following sections of the Codes:

a.) 302.4 Weeds. Premises and exterior property shall be maintained free from weeds or plant growth in excess of 12 inches. Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens. Upon failure of the owner or agent having charge of the property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

b.) 308.1 Accumulation of rubbish or garbage. Exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage. (i.e. piles of wood chips, buckets, barrels, tires and other miscellaneous items.)

See Exhibit C.

13. On or about June 21, 2022, the Township issued a Violation Notice to the property located at 634 School Road, listing a violation of Ordinance No. 22-40, Chapter 71, 2018 International Property Maintenance Code; Section 308.1: (A true and correct copy of the Notice is attached hereto as Exhibit “D.”).

14. The Notice stated, in part, that the Defendants were in violation of the following section of the Code:

a.) 308.1 Accumulation of rubbish or garbage. Exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage. (i.e. piles of wood chips, buckets, barrels, tires and other miscellaneous items.)

See Exhibit D.

15. On or about June 9, 2023, the Township issued a Notice of Violation to the property located at 634 School Road, listing a violation of Chapter 160, Article V, §160-13 of the Code: Illegal conversion of a single family dwelling and violation of definition of family. (A true and correct copy of the Notice is attached hereto as Exhibit “E.”).

16. On or about June 9, 2023, the Township issued a Notice of Violation to the property located at 951 Netherwood Drive, listing a violation of Chapter 160, Article V, §160-13 of the Code: Illegal conversion of a single family dwelling and violation of definition of family. (A true and correct copy of the Notice is attached hereto as Exhibit “F.”).

17. On or about August 14, 2024, the Township issued a Violation Notice to the property located at 951 Netherwood Drive, listing a violation of Ordinance No. 71-33, Chapter 71, 2018 International Property Maintenance Code; Section 304.4 and 308.1. (A true and correct copy of the Notice is attached hereto as Exhibit “G.”).

18. The Notice stated, in part, that the Defendants were in violation of the following sections of the Codes:

a.) 308.1 Accumulation of rubbish or garbage. Exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage. (i.e. piles of wood chips, buckets, barrels, tires and other miscellaneous items.)

See Exhibit G.

19. On or about September 24, 2024, the Township issued a Notice of Violation to the property located at 951 Netherwood Drive, listing a violation of Chapter 160, Article V, §160-13 of the Code: Illegal conversion of a single-family dwelling and violation of definition of family. (A true and correct copy of the Notice is attached hereto as Exhibit "H.").

20. On October 29, 2023, March 25, 2024, April 27, 2024 and September 17, 2024 Whitpain Police were called to the Subject Property located at 951 Netherwood Drive, for incidents between the Defendants and various renters regarding disputes surrounding the rental, including harassment, failure to refund payment, and changing of security codes.

21. The Whitpain Police Department has responded to multiple calls a year, for the past ten years at the Subject Property located at 951 Netherwood Drive, related to rental disputes. (See Police Blotter from 2014-2024 for 951 Netherwood Drive, attached hereto as Exhibit "I.")

22. The Whitpain Police Department has responded to six calls, from 2018 through 2024 at the Subject Property located at 634 School Lane, related to rental disputes. (See Police Blotter from 2014-2024 for 951 Netherwood Drive, attached hereto as Exhibit "J.")

23. As of the filing of the instant pleading, the Defendants have still failed to address the Code issues.

24. The Defendants have violated the Code by continuing to maintain the Subject Properties in a manner that poses a public health and safety risk.

25. By the Defendants' failure to maintain the Subject Properties in a manner consistent with the requirements of the Code, the Property poses a threat to the health, welfare, and safety of the residents of the Township. Further, the condition of the Property constitutes a nuisance and is a blight on the community.

26. The Township is empowered to institute any appropriate action to prevent, restrain, correct or abate any condition at, or of, any building, structure, or land that is being used or maintained in violation of a Township ordinance enacted pursuant to the Municipalities Planning Code, 53 P.S. §10617.

27. The Township is further empowered to enforce its ordinances through an action in equity in the court of common pleas where the Township is situated. 53 P.S. §66601.

28. The maintenance of the Subject Properties in such a condition that it has created a dangerous condition, insofar as the condition of the Subject Properties pose a threat to residents, guests invited onto the Subject Properties, and emergency personnel.

29. If a situation arose which would require the presence of emergency personnel, including firefighters or emergency medical technicians, the condition of the Subject Properties are such that there is a risk of harm to emergency personnel due to the immense amount of overgrowth and instability of accessory structure.

30. As a result, should a fire start on the Subject Properties, the Township's emergency personnel would be ill equipped to combat the fire. Further, should a medical emergency occur on the Subject Properties, the Township's emergency personnel would be ill equipped to provide emergency medical services. Finally, the condition of the Subject Properties creates a risk of harm to the Township's emergency personnel themselves.

31. Accordingly, the Township seeks an Order that the Defendants remediate the Code issues within twenty (20) days.

32. Further, the Township seeks an Order allowing it onto the Subject Properties to secure the Subject Properties in a manner it deems fit to protect the health, safety, and welfare of Township residents if the Defendants fail to remediate the Code issues as directed

33. Further, the Township seeks an Order that allows the Township access to the Subject Properties to remediate the Code violations if the Defendants fail to do so.

34. Further, the Township seeks an Order that allows it to lien the Subject Properties for the cost of the Township actions referenced in the paragraphs above.

35. In relation to the forgoing, immediate and irreparable injury will be sustained by the Township before a hearing can be held on the Township's Petition for Preliminary Injunction as the continued condition of the Property will put the safety and health of the residents of the Township and guests invited onto the Subject Properties, and the Township's emergency personnel in jeopardy for the reasons listed above.

36. Violation of an ordinance is per se irreparable harm. Township of Little Britain v. Lancaster County Turf Products, Inc., 604 A.2d 1225 (Pa. Commw. Ct. 1992); Gateway Metals, Inc. v. Municipality of Monroeville, 525 A.2d 478 (Pa. Commw. Ct. 1987) (*en banc*).

37. A greater injury will occur from refusing the injunction than from granting it because if the injunction is not granted, the safety and health of the residents of the Township, guests invited onto the Subject Properties, and the Township's emergency personnel would be in jeopardy for the reasons listed above.

38. The injunction will restore the parties to the status quo as the Defendants will be required to maintain the Subject Properties in compliance with the Code.

39. The wrong committed by the Defendant is manifest as the Defendant has willfully and purposely continued to maintain the Property in violation of the Code and willfully and purposely failed to remediate the Code issues at the Subject Properties after the Township notified the Defendant of the above-referenced Code violations.

40. Specifically, Defendant has permitted the Subject Property to continuously be used as an short term rental despite the issuance of clear notice that such use is not permissible.

41. Defendant's use of the Subject Properties is clearly adverse to the health, safety, and wellness of the community.

42. A greater injury will occur from refusing the injunction than from granting it because if the injunction is not granted, the safety and health of the residents of the Township will continue to be adversely effected by Defendant's illegal use of the Subject Properties.

43. The injunction will restore the parties to the *status quo* as it will compel the Subject Properties into compliance with the Code.


44. The wrong committed by Defendant is manifest as they have willfully and flagrantly misused the Subject Properties in violation of the Code.

45. The Township's right to relief is clear as the Township has an affirmative duty to protect the health and safety of its residents and emergency personnel and to ensure that all properties are maintained according to the Codes, and the Township is likely to win on the merits at a permanent injunction hearing.

WHEREFORE, for the foregoing reasons, the Township of Whitpain respectfully requests that this Honorable Court grant its Complaint for a Preliminary Injunction requiring Defendants to remove all residential and overnight accommodation from the Subject Properties and permitting the Township to conduct inspections of the Subject Properties to ensure compliance with the Code.

**CLARKE, GALLAGHER, BARBIERO,
AMUSO & GLASSMAN LAW**

By:


Gregory R. Heleniak, Esquire
Melissa A. Osborne, Esquire
Attorneys for Whitpain Township


Date:

12/6/24

VERIFICATION

Travis DeCaro hereby states that he is the Code Enforcement Officer for the Township of Whitpain that he is authorized to make this Verification on behalf of the Township and that the facts set forth in the foregoing Complaint are true and correct to the best of his knowledge, information and belief.

I make this statement understanding that it is subject to the penalties of 18 C.S.A. Section 4904 relating to unsworn falsification to authorities.



Travis DeCaro

Date: 12/06/24

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA

NOTIFICATION OF LISTING FOR *Civil Hearing*

WHITPAIN TOWNSHIP vs. TESTA, SCOTT

CASE #: 2024-27992

HAS BEEN SCHEDULED FOR A HEARING ON Civil Hearing

ON January 6, 2025 9:00 AM

BEFORE JUDGE JEFFREY S. SALTZ

IN Court Room 13
MONTGOMERY COUNTY COURTHOUSE
NORRISTOWN, PA 19401

If you are disabled and require assistance, please call (610) 278-3224

YOU ARE RESPONSIBLE TO NOTIFY YOUR
OPPONENT(S) OF THE ABOVE DATE.

Attorneys:
GREGORY HELENIAK, Esq.
MELISSA OSBORNE, Esq.

PETITION FOR PRELIMINARY INJUNCTION - SEQ 01 - 2 HOUR HEARING

County of Montgomery
Court Administrator – *Civil Hearing*
P.O. Box 311
Norristown, Pa. 19404-0311

FREE INTERPRETER

PO Box 311 Norristown, PA 19404
610-278-3231

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Mandarin/Cantonese Simplified Chinese/普通话/粤语简体中文: 您有权获得免费的口译员服务。若需要口译员，请使用本通知上方提供的联系信息通知法院工作人员。

Arabic/العربية: يحق لك الحصول على مترجم دون دفع أي تكلفة من جانبك. لطلب مترجم، يرجى إعلام موظفي المحكمة باستخدام معلومات الاتصال المقدمة في الجزء العلوي من هذا الإشعار.

Korean/한국어: 귀하는 비용에 대한 부담 없이 통역 서비스를 받을 권리가 있습니다. 통역 서비스를 요청하려면 본 통지서의 상단에 기재된 연락처를 통해 법원 직원에게 알려십시오.

Notices Mailed on 12/10/2024

Parties Notified:

SCOTT TESTA
4123 BAYBERRY DRIVE
LAFAYETTE HILL, PA 19444

GREGORY HELENIAK, Esq.
RUDOLPH CLARKE LLC
7 NESHAMINY INTERPLEX STE 200
TREVOSE, PA 19053

MELISSA OSBORNE, Esq.
RUDOLPH CLARK, LLC
7 NESHAMINY INTERPLEX, SUITE 200
TREVOSE, PA 19053

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA

WHITPAIN TOWNSHIP
VS.
TESTA, SCOTT

NO. 2024-27992

COVER SHEET OF MOVING PARTYDate of Filing January 02 2025 Moving Party WHITPAIN TOWNSHIP

Counsel for Moving Party

Counsel's email address: MOSBORNE@CGBAGLAW.COMDocument Filed (Specify) MOTION

If a motion to compel discovery, state the Court-ordered Discovery Deadline: NA
(failure to complete this space will result in the motion being stricken)

CERTIFICATIONS - Check **ONLY** if appropriate:

_____ Counsel certify that they have conferred in a good faith effort to resolve the subject discovery dispute. (Required by Local Rule 208.2(e) on motions relating to discovery.)

_____ Counsel for moving party certifies that the subject **civil motion** is **uncontested** by all parties involved in the case. (If checked, skip Rule to Show Cause section below.)

RULE TO SHOW CAUSE - Check **ONE** of the Choices Listed Below:

_____ Respondent is directed to show cause why the moving party is not entitled to the relief requested by filing an **answer** in the form of a **written response** at the **Office of the Prothonotary** on or before the _____ day of _____, 20__

_____ Respondent is directed to show cause, in the form of a **written response**, why the attached Family Court Discovery Motion is not entitled to the relief requested. Rule Returnable and Argument the _____ day of _____, 20__ at **1:00 p.m. at 321 Swede Street, Norristown, PA.**

_____ Respondent is directed to file a **written response** in conformity with the Pennsylvania Rules of Civil Procedure.

_____ Rule Returnable at time of trial.

By: _____

Court Administrator

7/23

WHITPAIN TOWNSHIP	:	IN THE COURT OF COMMON
PLEAS 960 Wentz Road	:	MONTGOMERY COUNTY,
Blue Bell, PA 19422	:	PENNSYLVANIA
	:	
<i>Plaintiff,</i>	:	
	:	CIVIL ACTION – EQUITY
v.	:	
	:	
SCOTT TESTA	:	
4123 Bayberry Drive	:	NO. 2024-27992
Lafayette Hill, PA 19444	:	

ORDER

AND NOW, this _____ day of _____, 2025, upon consideration of Whitpain Township’s Motion for Continuance, it is hereby **ORDERED, ADJUDGED,** and **DECREED** that the said Motion is **GRANTED**.

BY THE COURT:

J.

1. A Hearing for Preliminary Injunction in the above-captioned matter has been scheduled for January 6, 2025.
2. Plaintiff, Whitpain Township, despite numerous attempts, has been unable to perfect service on the Defendant. A true and correct copy of the Affidavit of Due Diligence is attached hereto and incorporated herein as Exhibit “A.”
3. Attorney for Plaintiff, Whitpain Township, would respectfully request a continuance of two weeks to allow a Motion for Alternate Service to be filed and decided.

WHEREFORE, Plaintiff, Whitpain Township, respectfully requests that this Honorable Court enter an Order granting a continuance.

**Respectfully submitted,
CLARKE, GALLAGHER, BARBIERO,
AMUSO & GLASSMAN LAW**

By: */s/ Melissa A. Osborne*_____
Melissa A. Osborne, Esquire
Attorney for Whitpain Township

AFFIDAVIT OF DUE-DILIGENCE

Case: 2024-27992	Court: Court of Common Pleas of Pennsylvania	County: Montgomery	Job: 12314224
Plaintiff / Petitioner: Whitpain Township		Defendant / Respondent: Scott Testa	
Received by: Seagull Legal Services Inc.		For: Clarke Gallagher Barbiero Amuso & Glassman Law	
To be served upon: Scott Testa			

I, Joseph Valentine, being duly sworn, depose and say: I am over the age of 18 years and not a party to this action, and that within the boundaries of the state where service was effected, I was authorized by law to make service of the documents

Address: 4123 Barberry Drive, Lafayette Hill, PA 19444

Manner of Service: Due-Diligence

Documents: Petition for Preliminary Petition & Complaint, Notice of Hearing

Details:

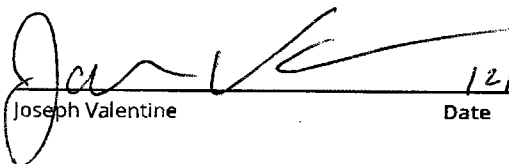
1) Unsuccessful Attempt: Dec 13, 2024, 11:55 am EST at 4123 Barberry Drive, Lafayette Hill, PA 19444
No answer, Jeep under carport, Fedex notes on door, neighbors confirmed address

2) Unsuccessful Attempt: Dec 14, 2024, 4:45 pm EST at 4123 Barberry Drive, Lafayette Hill, PA 19444
No answer, Jeep under carport, notes still on door

3) Unsuccessful Attempt: Dec 20, 2024, 8:05 pm EST at 4123 Barberry Drive, Lafayette Hill, PA 19444
No answer, Jeep under carport, notes still on door

4) Unsuccessful Attempt: Dec 21, 2024, 10:20 am EST at 4123 Barberry Drive, Lafayette Hill, PA 19444
No answer, Jeep under carport, notes still on door

The facts herein set forth are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to penalties of the 18 Pa.C.S. 4904 relating to unsworn falsifications to authorities.


Joseph Valentine
Date 12/31/2024

WHITPAIN TOWNSHIP	:	IN THE COURT OF COMMON
PLEAS 960 Wentz Road	:	MONTGOMERY COUNTY,
Blue Bell, PA 19422	:	PENNSYLVANIA
	:	
<i>Plaintiff,</i>	:	
	:	CIVIL ACTION – EQUITY
v.	:	
	:	
SCOTT TESTA	:	
4123 Bayberry Drive	:	NO. 2024-27992
Lafayette Hill, PA 19444	:	

ORDER

AND NOW, this 3rd day of January, 2025, upon consideration of Whitpain Township's Motion for Continuance, it is hereby **ORDERED, ADJUDGED**, and **DECREED** that the said Motion is **GRANTED**. Matter to be relisted by Court Administration.

BY THE COURT:

Carolyn T. Carluceno
J.

Copies sent via Prothonotary to:
All counsel and parties of record

Copy sent via Chambers to:
Court Administration - Civil Division

Judicial Assistant: Lynne McCafferty

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA

WHITPAIN TOWNSHIP

VS.

NO. 2024-27992

TESTA, SCOTT

COVER SHEET OF MOVING PARTYDate of Filing January 02, 2025Moving Party WHITPAIN TOWNSHIP

Counsel for Moving Party

Counsel's email address: MOSBORNE@CGBAGLAW.COMDocument Filed (Specify) MOTIONIf a motion to compel discovery, state the Court-ordered Discovery Deadline: NA
(failure to complete this space will result in the motion being stricken)**CERTIFICATIONS - Check ONLY if appropriate:**☐ Counsel certify that they have conferred in a good faith effort to resolve the subject discovery dispute. (Required by Local Rule 208.2(e) on motions relating to discovery.)☐ Counsel for moving party certifies that the subject **civil motion** is **uncontested** by all parties involved in the case. (If checked, skip Rule to Show Cause section below.)**RULE TO SHOW CAUSE - Check ONE of the Choices Listed Below:**☒ Respondent is directed to show cause why the moving party is not entitled to the relief requested by filing an **answer** in the form of a **written response** at the **Office of the Prothonotary** on or before the 31st day of January, 2025☐ Respondent is directed to show cause, in the form of a **written response**, why the attached Family Court Discovery Motion is not entitled to the relief requested. Rule Returnable and Argument the _____ day of _____, 20____
at 1:00 p.m. at 321 Swede Street, Norristown, PA.☐ Respondent is directed to file a **written response** in conformity with the Pennsylvania Rules of Civil Procedure.☐ Rule Returnable at time of trial.

By:

Michael R. Kehs
Court Administrator2024-27992-0005 1/3/2025 1:33 PM #14714401
Rcpt#Z4871539 Fee:\$0.00 Rule
Main (Public)
MontCo Prothonotary

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA

NOTIFICATION OF CONTINUANCE

WHITPAIN TOWNSHIP vs. TESTA, SCOTT
CASE #: 2024-27992 PREVIOUSLY SCHEDULED

ON January 6, 2025 9:00 AM

BEFORE JUDGE JEFFREY S. SALTZ IN Court Room 13
MONTGOMERY COUNTY COURTHOUSE
NORRISTOWN, PA 19401

**HAS BEEN CONTINUED. COUNSEL/PARTIES WILL BE NOTIFIED BY MAIL
OF THE RESCHEDULED DATE AND COURTROOM ASSIGNMENT.**

Attorneys:
GREGORY HELENIAK, Esq.
MELISSA OSBORNE, Esq.

COUNSEL: Please notify all Co-Counsel of the
CONTINUANCE in this case.

PETITION FOR PRELIMINARY INJUNCTION - SEQ 01 - 2 HOUR HEARING

County of Montgomery
Court Administrator – *Civil Hearing*
P.O. Box 311
Norristown, Pa. 19404-0311

FREE INTERPRETER

PO Box 311 Norristown, PA 19404
610-278-3231

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Notices Mailed on 1/7/2025

Parties Notified:

SCOTT TESTA
4123 BAYBERRY DRIVE
LAFAYETTE HILL, PA 19444

GREGORY HELENIAK, Esq.
RUDOLPH CLARKE LLC
7 NESHAMINY INTERPLEX STE 200
TREVOSE, PA 19053

MELISSA OSBORNE, Esq.
RUDOLPH CLARK, LLC
7 NESHAMINY INTERPLEX, SUITE 200
TREVOSE, PA 19053

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA

NOTIFICATION OF LISTING FOR *Civil Hearing*

WHITPAIN TOWNSHIP vs. TESTA, SCOTT

CASE #: 2024-27992

HAS BEEN SCHEDULED FOR A HEARING ON Civil Hearing

ON January 13, 2025 1:00 PM

BEFORE JUDGE CAROLYN T. CARLUCCIO IN Court Room 7
MONTGOMERY COUNTY COURTHOUSE
NORRISTOWN, PA 19401

If you are disabled and require assistance, please call (610) 278-3224

YOU ARE RESPONSIBLE TO NOTIFY YOUR
OPPONENT(S) OF THE ABOVE DATE.

Attorneys:
GREGORY HELENIAK, Esq.
MELISSA OSBORNE, Esq.

PETITION FOR PRELIMINARY INJUNCTION - SEQ 01 - 2 HOUR HEARING

County of Montgomery
Court Administrator – *Civil Hearing*
P.O. Box 311
Norristown, Pa. 19404-0311

FREE INTERPRETER

PO Box 311 Norristown, PA 19404
610-278-3231

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Notices Mailed on 1/7/2025

Parties Notified:

SCOTT TESTA
4123 BAYBERRY DRIVE
LAFAYETTE HILL, PA 19444

GREGORY HELENIAK, Esq.
RUDOLPH CLARKE LLC
7 NESHAMINY INTERPLEX STE 200
TREVOSE, PA 19053

MELISSA OSBORNE, Esq.
RUDOLPH CLARK, LLC
7 NESHAMINY INTERPLEX, SUITE 200
TREVOSE, PA 19053

WHITPAIN TOWNSHIP
960 Wentz Road
Blue Bell, PA 19422

Plaintiff,

v.

SCOTT TESTA
4123 Bayberry Drive
Lafayette Hill, PA 19444

: IN THE COURT OF COMMON PLEAS
: MONTGOMERY COUNTY,
: PENNSYLVANIA
:
: CIVIL ACTION – EQUITY
:
:
: NO. 2024-27992
:
:

ORDER

AND NOW, this ____ day of _____ 2025, upon consideration of Whitpain Township's Motion for Alternative Service, and any response thereto, it is hereby **ORDERED** that the requested relief is **GRANTED**. It is further **ORDERED** that Plaintiff, The Township of Whitpain, is granted the ability of effectuating service on the Defendant by posting the properties located at 951 Netherwood Drive, Blue Bell, Pennsylvania 19422, Tax Map Parcel number 66-00-04621-00-2 and 634 School Road, Blue Bell, Pennsylvania 19422, Tax Map Parcel number 66-00-06049-00- 5.

J. _____

**CLARKE, GALLAGHER, BARBIERO,
AMUSO & GLASSMAN LAW**
By: Gregory R. Heleniak, Esquire
Identification No. 314427
By: Melissa A. Osborne, Esquire
Identification No. 203966
Seven Neshaminy Interplex, Suite 215
Trevoze, PA 19053
(215) 633-1890

Attorneys for Whitpain Township

WHITPAIN TOWNSHIP	:	IN THE COURT OF COMMON PLEAS
960 Wentz Road	:	MONTGOMERY COUNTY,
Blue Bell, PA 19422	:	PENNSYLVANIA
	:	
<i>Plaintiff,</i>	:	
	:	CIVIL ACTION – EQUITY
v.	:	
	:	
SCOTT TESTA	:	
4123 Bayberry Drive	:	NO. 2024-27992
Lafayette Hill, PA 19444	:	

MOTION FOR ALTERNATE SERVICE PURSUANT TO Pa.R.C.P. 430.a

AND NOW, Movant, Whitpain Township, by and through its attorneys Gregory R. Heleniak, Esquire, and Melissa A. Osborne, Esquire, of Clarke, Gallagher, Barbiero, Amuso and Glassman Law, hereby moves this Honorable Court for an Order for Alternate Service of Original Process in accordance with Pennsylvania Rules of Civil Procedure 430(a), and in support thereof avers as follows:

1. Plaintiff is the Township of Whitpain, Montgomery County, Pennsylvania (“Township”), a duly organized Second Class Township, with principal offices located at 960 Wentz Road, Blue Bell, PA, 19422.

2. Defendant Scott Testa, is the owner of record of the properties located at 951 Netherwood Drive, Blue Bell, Pennsylvania 19422, Tax Map Parcel number 66-00- 04621-00-2 and 634 School Road, Blue Bell, Pennsylvania 19422, Tax Map Parcel number 66-00-06049-00-5 (“Subject Properties”)

3. Defendant, Scott Testa has listed his mailing address as 4123 Bayberry Drive, Lafayette Hill, Pa.

4. Upon information and belief, no such address exists in Lafayette Hill, Pa.

5. Upon information and belief, 4123 Barberry Drive, Lafayette Hill, Pa is the address at which Defendant resides.

6. The undersigned has had service of the relevant Complaint and Petition for Preliminary Injunction attempted at the 4123 Barberry Drive, Lafayette Hill Property. A true and correct Affidavit of Due-Diligence is attached hereto, incorporated herein, and labeled Exhibit "A."

7. Joseph Valentine of Seagull Legal Services attempted service at the residence of Defendant, 4123 Barberry Drive, Lafayette Hill, PA on December 13, 2024. See Exhibit "A."

8. Joseph Valentine of Seagull Legal Services attempted service at the residence of Defendant, 4123 Barberry Drive, Lafayette Hill, PA on December 14, 2024. See Exhibit "A."

9. Joseph Valentine of Seagull Legal Services attempted service at the residence of Defendant, 4123 Barberry Drive, Lafayette Hill, PA on December 20 and 21, 2024. See Exhibit "A."

10. The undersigned has had service of the relevant Complaint and Petition for Preliminary Injunction attempted at the Subject Properties located at 951 Netherwood Drive, Blue Bell, Pennsylvania 19422, Tax Map Parcel number 66-00- 04621-00-2 and 634 School Road, Blue Bell, Pennsylvania 19422, Tax Map Parcel number 66-00-06049-00-5. A true and correct

{01778060;v1}

Affidavit of Due-Diligence is attached hereto, incorporated herein, and labeled Exhibit "B."

11. Christopher Lemerise of Seagull Legal Services attempted service at the property of Defendant, 951 Netherwood Drive, Blue Bell, PA on December 29, 2024. See Exhibit "B."

12. Christopher Lemerise of Seagull Legal Services attempted service at the property of Defendant, 634 School Road, Blue Bell, PA on December 29, 2024. See Exhibit "B."

13. As noted in the Complaint that initiated the instant matter, the Township has written the Defendant, sent notices of violation to the Defendant. For purposes of brevity, the Complaint is not attached but is available upon request.

14. As the Township is unable to locate the Defendant, alternative service is required. In accordance with Pa. R.C.P. 430, an Affidavit laying out the above-referenced facts is attached hereto, incorporated herein, and labeled Exhibit "C."

15. In accordance with the Pennsylvania Rules of Civil Procedure, the Township respectfully requests that service of the above-referenced Complaint and Petition for Preliminary Injunction be established by posting the same on the Subject Properties.


16. Accordingly, the Township requests an Order permitting service of the Complaint and Petition for Preliminary Injunction by posting the same on the Subject Properties.

17. The entry of an Order for alternate service is permitted pursuant to Pa. R.C.P. 430.

WHEREFORE, for the foregoing reasons, Plaintiff, Whitpain Township requests entry of an Order permitting service by posting the Complaint and Petition for Preliminary Injunction on the Subject Properties.

**Respectfully submitted,
CLARKE, GALLAGHER, BARBIERO,
AMUSO & GLASSMAN LAW**

By:


Gregory R. Heleniak, Esquire
Melissa A. Osborne, Esquire
Attorneys for Whitpain Township

Date:

1/27/25

WHITPAIN TOWNSHIP
960 Wentz Road
Blue Bell, PA 19422

Plaintiff,

v.

SCOTT TESTA
4123 Bayberry Drive
Lafayette Hill, PA 19444

IN THE COURT OF COMMON PLEAS
MONTGOMERY COUNTY,
PENNSYLVANIA

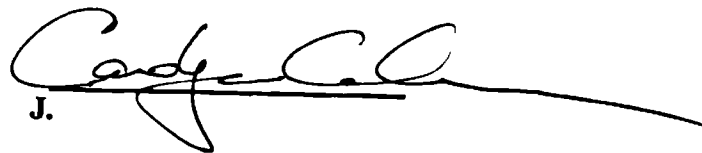
CIVIL ACTION – EQUITY

NO. 2024-27992

ORDER

AND NOW, this 7th day of Jan 2025, upon consideration of Whitpain

Township's Motion for Alternative Service, and any response thereto, it is hereby **ORDERED** that the requested relief is **GRANTED**. It is further **ORDERED** that Plaintiff, The Township of Whitpain, is granted the ability of effectuating service on the Defendant by posting the properties located at 951 Netherwood Drive, Blue Bell, Pennsylvania 19422, Tax Map Parcel number 66-00-04621-00-2 and 634 School Road, Blue Bell, Pennsylvania 19422, Tax Map Parcel number 66-00-06049-00- 5.


J.

{01778060;v1}

WHITPAIN TOWNSHIP
vs.
SCOTT TESTA

NO. 2024-27992

PRAECIPE FOR APPEARANCE

TO THE PROTHONOTARY:

Please enter my appearance for

SCOTT TESTA

in the above case.

Date: 01/10/2025

ORIGINAL SIGNATURE RETAINED BY THE FILING PARTY
Signature

STEPHEN O'HANLON, ESQ.
Filing Party

208428
ID Number

O'HANLON SCHWARTZ
Firm Name

2 PENN CENTER PLAZA - SUITE 1410, 1500 JFK BLVD
Address

PHILADELPHIA, PA 19102

267-546-9066
Phone

O'Hanlon Schwartz, P.C.

BY: Stephen T. O'Hanlon, Esquire

PA Bar ID # 208428

2 Penn Center Plaza, Suite 1410

1500 John F. Kennedy Boulevard

Philadelphia, PA 19102

Tel: (267) 546-9066

Fax: (215) 563-6617

steve@ohanlonschwartz.com

Attorney for Defendant

WHITPAIN TOWNSHIP,
Plaintiff,

v.

SCOTT TESTA,
Defendant.

COURT OF COMMON PLEAS
MONTGOMERY COUNTY -
CIVIL ACTION

2024-27992

PRAECIPE FOR ENTRY OF APPEARANCE

TO THE CLERK OF THIS HONORABLE COURT:

Kindly enter my appearance on behalf of the above-captioned Defendant in the above-captioned matter.

Respectfully submitted,

O'Hanlon Schwartz, P.C.



STEPHEN T. O'HANLON, ESQUIRE

WHITPAIN TOWNSHIP,
Plaintiff,

v.

SCOTT TESTA,

Defendant.

COURT OF COMMON PLEAS
MONTGOMERY COUNTY -
CIVIL ACTION

2024-27992

CERTIFICATE OF SERVICE

I, Stephen T. O’Hanlon, Esquire, counsel for Defendant, hereby certify that a true and correct copy of the forgoing Praecipe for Entry of Appearance has been served upon the following by opt-in electronic filing service on or about the date of electronic filing:

Gregory R. Heleniak, Esquire
Melissa A. Osborne, Esquire



STEPHEN T. O'HANLON, ESQUIRE

O'Hanlon Schwartz, P.C.

BY: Stephen T. O'Hanlon, Esquire
2 Penn Center Plaza, Suite 1410
1500 John F. Kennedy Boulevard
Philadelphia, PA 19102
Tel: (267) 546-9066
Fax: (215) 563-6617
steve@ohanlonschwartz.com
Attorney for Defendant

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA

WHITPAIN TOWNSHIP
 VS.
 TESTA, SCOTT

NO. 2024-27992

COVER SHEET OF MOVING PARTYDate of Filing January 10 2025 Moving Party SCOTT TESTA

Counsel for Moving Party

Counsel's email address: STEVE@OHANLONSWARTZ.COMDocument Filed (Specify) MOTION FOR CONTINUANCE

If a motion to compel discovery, state the Court-ordered Discovery Deadline: N/A
 (failure to complete this space will result in the motion being stricken)

CERTIFICATIONS - Check **ONLY** if appropriate:

☐ Counsel certify that they have conferred in a good faith effort to resolve the subject discovery dispute. (Required by Local Rule 208.2(e) on motions relating to discovery.)

☒ Counsel for moving party certifies that the subject **civil motion** is **uncontested** by all parties involved in the case. (If checked, skip Rule to Show Cause section below.)

RULE TO SHOW CAUSE - Check **ONE** of the Choices Listed Below:

☐ Respondent is directed to show cause why the moving party is not entitled to the relief requested by filing an **answer** in the form of a **written response** at the **Office of the Prothonotary** on or before the _____ day of _____, 20__

☐ Respondent is directed to show cause, in the form of a **written response**, why the attached Family Court Discovery Motion is not entitled to the relief requested. Rule Returnable and Argument the _____ day of _____, 20__ at **1:00 p.m.** at **321 Swede Street, Norristown, PA.**

☐ Respondent is directed to file a **written response** in conformity with the Pennsylvania Rules of Civil Procedure.

☐ Rule Returnable at time of trial.

By: _____

Court Administrator

7/23

O'Hanlon Schwartz, P.C.

BY: Stephen T. O'Hanlon, Esquire
 PA Bar ID 208428
 2 Penn Center Plaza, Suite 1410
 1500 John F. Kennedy Boulevard
 Philadelphia, PA 19102
 Tel: (267) 546-9066
 Fax: (215) 563-6617
 steve@ohanlonschwartz.com
 Attorney for Defendant

WHITPAIN TOWNSHIP,
 Plaintiff,

v.

SCOTT TESTA,
 Defendant.

COURT OF COMMON PLEAS
 MONTGOMERY COUNTY -
 CIVIL ACTION

2024-27992

**DEFENDANT'S MOTION FOR A CONTINUANCE OF
 PRELIMINARY INJUNCTION HEARING**

NOW COMES Defendant/Petitioner, Scott Testa, by and through the undersigned attorney, Stephen T. O'Hanlon, Esquire, and Defendant/Petitioner submits the following Motion for a Continuance of Plaintiff's Preliminary Injunction Hearing to this Honorable Court and Defendant/Petitioner prays that this Court grant the following Motion:

1. Plaintiff's Preliminary Injunction hearing is scheduled for January 13, 2025.
2. Petitioner is away in upstate New York and just heard of the hearing on January 8, 2025 via a neighbor.
3. Counsel for the parties are available and January 22, 2025 and January 31, 2025 but counsel for Plaintiff has stated a preference for the earlier date.

4. Counsel for Plaintiff consents to the present Motion.

I. Plaintiff's Preliminary Injunction Date Should Be Continued.

Defendant/Petitioner should be granted a continuance because Petitioner is away in upstate New York, counsel has just entered, and time is needed to review documents that were just served.

The standard of review when considering a court's decision to deny a motion for a continuance is as follows:

The grant or denial of a motion for a continuance is within the sound discretion of the trial court and will be reversed only upon a showing of an abuse of that discretion. [A]n abuse of discretion is not merely an error of judgment. Rather, discretion is abused when the law is over-ridden or misapplied, or the result of partiality, prejudice, bias, or ill-will as shown by the evidence or the record. The grant of a continuance is discretionary and a refusal to grant is reversible error only if prejudice or a palpable and manifest abuse of discretion is demonstrated.

Commonwealth v. Griffin, 804 A.2d 1, 12 (Pa.Super.2002).

"In reviewing a denial of a continuance, the [] court must have regard for the orderly administration of justice, as well as the right of the defendant to have adequate time to prepare a defense." *Commonwealth v. Wesley*, 753 A.2d 204, 215 (Pa. 2000).

Defendant and counsel need time to consult and prepare and do not have sufficient notice or time.

WHEREFORE, Defendant/Petitioner prays that his Motion for a Continuance be granted.

Respectfully submitted,



Stephen T. O'Hanlon, Esquire

BY: Stephen T. O'Hanlon, Esquire
2 Penn Center Plaza, Suite 1410
1500 John F. Kennedy Boulevard
Philadelphia, PA 19102
Tel: (267) 546-9066
Fax: (215) 563-6617
steve@ohanlonschwartz.com
Attorney for Defendant

O'Hanlon Schwartz, P.C.

BY: Stephen T. O'Hanlon, Esquire

PA Bar ID # 208428

2 Penn Center Plaza, Suite 1410

1500 John F. Kennedy Boulevard

Philadelphia, PA 19102

Tel: (267) 546-9066

Fax: (215) 563-6617

steve@ohanlonschwartz.com

Attorney for Defendant

WHITPAIN TOWNSHIP,
Plaintiff,

v.

SCOTT TESTA,
Defendant.

COURT OF COMMON PLEAS
MONTGOMERY COUNTY -
CIVIL ACTION

2024-27992

PRAECIPE TO ATTACH

TO THE CLERK OF THIS HONORABLE COURT:

Please attach the proposed Order, filed with this Praecipe, to the Continuance Motion filed on the same date.

Respectfully submitted,



STEPHEN T. O'HANLON, ESQUIRE

DATE: January 10, 2025

WHITPAIN TOWNSHIP,
Plaintiff,

v.

SCOTT TESTA,
Defendant.

COURT OF COMMON PLEAS
MONTGOMERY COUNTY -
CIVIL ACTION

2024-27992

ORDER

AND NOW, this _____ day of _____, 2025, it is hereby ORDERED
that Defendant's Motion for a Continuance is granted and the matter shall be scheduled for a
hearing on Plaintiff's Motion for a Preliminary Injunction:

_____.

BY THE COURT:

, J.

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA

NOTIFICATION OF CONTINUANCE

WHITPAIN TOWNSHIP vs. TESTA, SCOTT
CASE #: 2024-27992 PREVIOUSLY SCHEDULED

ON January 13, 2025 1:00 PM

BEFORE JUDGE CAROLYN T. CARLUCCIO IN Court Room 7
MONTGOMERY COUNTY COURTHOUSE
NORRISTOWN, PA 19401

**HAS BEEN CONTINUED. COUNSEL/PARTIES WILL BE NOTIFIED BY MAIL
OF THE RESCHEDULED DATE AND COURTROOM ASSIGNMENT.**

Attorneys:
GREGORY HELENIAK, Esq.
MELISSA OSBORNE, Esq.

COUNSEL: Please notify all Co-Counsel of the
CONTINUANCE in this case.

PETITION FOR PRELIMINARY INJUNCTION - SEQ 01 - 2 HOUR HEARING

County of Montgomery
Court Administrator – *Civil Hearing*
P.O. Box 311
Norristown, Pa. 19404-0311

FREE INTERPRETER

PO Box 311 Norristown, PA 19404
610-278-3231

languageaccesscoordinator@montcopa.org
www.pacourts.us/language-rights

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Notices Mailed on 1/13/2025

Parties Notified:

SCOTT TESTA
4123 BAYBERRY DRIVE
LAFAYETTE HILL, PA 19444

GREGORY HELENIAK, Esq.
RUDOLPH CLARKE LLC
7 NESHAMINY INTERPLEX STE 200
TREVOSE, PA 19053

MELISSA OSBORNE, Esq.
RUDOLPH CLARK, LLC
7 NESHAMINY INTERPLEX, SUITE 200
TREVOSE, PA 19053

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA

NOTIFICATION OF LISTING FOR *Civil Hearing*

WHITPAIN TOWNSHIP vs. TESTA, SCOTT

CASE #: 2024-27992

HAS BEEN SCHEDULED FOR A HEARING ON Civil Hearing

ON January 21, 2025 2:30 PM

BEFORE JUDGE JEFFREY S. SALTZ

IN Court Room G
MONTGOMERY COUNTY COURTHOUSE
NORRISTOWN, PA 19401

If you are disabled and require assistance, please call (610) 278-3224

YOU ARE RESPONSIBLE TO NOTIFY YOUR
OPPONENT(S) OF THE ABOVE DATE.

Attorneys:
GREGORY HELENIAK, Esq.
MELISSA OSBORNE, Esq.

PETITION FOR PRELIMINARY INJUNCTION - SEQ 01 - 2 HOUR HEARING

County of Montgomery
Court Administrator – *Civil Hearing*
P.O. Box 311
Norristown, Pa. 19404-0311

FREE INTERPRETER

PO Box 311 Norristown, PA 19404
610-278-3231

languageaccesscoordinator@montcopa.org
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Notices Mailed on 1/13/2025

Parties Notified:

SCOTT TESTA
4123 BAYBERRY DRIVE
LAFAYETTE HILL, PA 19444

GREGORY HELENIAK, Esq.
RUDOLPH CLARKE LLC
7 NESHAMINY INTERPLEX STE 200
TREVOSE, PA 19053

MELISSA OSBORNE, Esq.
RUDOLPH CLARK, LLC
7 NESHAMINY INTERPLEX, SUITE 200
TREVOSE, PA 19053

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA

WHITPAIN TOWNSHIP

VS.

NO. 2024-27992

TESTA, SCOTT

COVER SHEET OF MOVING PARTYDate of Filing January 10 2025 Moving Party SCOTT TESTA

Counsel for Moving Party

Counsel's email address: STEVE@OHANLONSWARTZ.COMDocument Filed (Specify) MOTION FOR CONTINUANCEIf a motion to compel discovery, state the Court-ordered Discovery Deadline: N/A
(failure to complete this space will result in the motion being stricken)**CERTIFICATIONS - Check ONLY if appropriate:**☐ Counsel certify that they have conferred in a good faith effort to resolve the subject discovery dispute. (Required by Local Rule 208.2(e) on motions relating to discovery.)☒ Counsel for moving party certifies that the subject **civil motion** is **uncontested** by all parties involved in the case. (If checked, skip Rule to Show Cause section below.)**RULE TO SHOW CAUSE - Check ONE of the Choices Listed Below:**☒ Respondent is directed to show cause why the moving party is not entitled to the relief requested by filing an **answer** in the form of a **written response** at the **Office of the Prothonotary** on or before the 6th day of February 2025☐ Respondent is directed to show cause, in the form of a **written response**, why the attached Family Court Discovery Motion is not entitled to the relief requested. Rule Returnable and Argument the _____ day of _____, 20____ at 1:00 p.m. at 321 Swede Street, Norristown, PA.☐ Respondent is directed to file a **written response** in conformity with the Pennsylvania Rules of Civil Procedure.☐ Rule Returnable at time of trial.

By:

Court Administrator

7/23

2024-27992-0017 1/13/2025 3:23 PM # 14725082
Rcpt#Z4874894 Fee:\$0.00 Rule
Main (Public)
MontCo Prothonotary

DA

AFFIDAVIT OF SERVICE

Case: 2024-27992	Court: Court of Common Pleas of Pennsylvania	County: Montgomery	Job: 12465389
Plaintiff / Petitioner: Whitpain Township		Defendant / Respondent: Scott Testa	
Received by: Seagull Legal Services Inc.		For: Clarke Gallagher Barbiero Amuso & Glassman Law	
To be served upon: Scott Testa			

I, Christopher Lemerise, being duly sworn, depose and say: I am over the age of 18 years and not a party to this action, and that within the boundaries of the state where service was effected, I was authorized by law to make service of the documents

Address: 634 School Road, Blue Bell, PA 19422

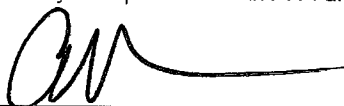
Manner of Service: Posted, Jan 8, 2025, 6:17 pm EST

Documents: Order, Notice of Hearing, Petition for Preliminary Injunction & Complaint

Details:

Successful Attempt: Jan 8, 2025, 6:17 pm EST at 634 School Road, Blue Bell, PA 19422 posted documents to front door of residence

The facts herein set forth are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to penalties of the 18 Pa.C.S. 4904 relating to unsworn falsifications to authorities.


 Christopher Lemerise
 Date 1/13/2025

AFFIDAVIT OF SERVICE

Case: 2024-27992	Court: Court of Common Pleas of Pennsylvania	County: Montgomery	Job: 12465375
Plaintiff / Petitioner: Whitpain Township		Defendant / Respondent: Scott Testa	
Received by: Seagull Legal Services Inc.		For: Clarke Gallagher Barbiero Amuso & Glassman Law	
To be served upon: Scott Testa			

I, Christopher Lemerise, being duly sworn, depose and say: I am over the age of 18 years and not a party to this action, and that within the boundaries of the state where service was effected, I was authorized by law to make service of the documents

Address: 951 Netherwood Drive, Blue Bell, PA 19422

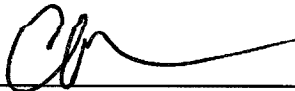
Manner of Service: Posted, Jan 8, 2025, 6:28 pm EST

Documents: Order, Notice of Hearing, Petition for Preliminary Injunction & Complaint

Details:

Successful Attempt: Jan 8, 2025, 6:28 pm EST at 951 Netherwood Drive, Blue Bell, PA 19422 posted documents to front door of residence

The facts herein set forth are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to penalties of the 18 Pa.C.S. 4904 relating to unsworn falsifications to authorities.


 Christopher Lemerise
 Date 1/13/2025

AFFIDAVIT OF SERVICE

Case: 2024-27992	Court: Court of Common Pleas of Pennsylvania	County: Montgomery	Job: 12465389
Plaintiff / Petitioner: Whitpain Township		Defendant / Respondent: Scott Testa	
Received by: Seagull Legal Services Inc.		For: Clarke Gallagher Barbiero Amuso & Glassman Law	
To be served upon: Scott Testa			

I, Christopher Lemerise, being duly sworn, depose and say: I am over the age of 18 years and not a party to this action, and that within the boundaries of the state where service was effected, I was authorized by law to make service of the documents

Address: 634 School Road, Blue Bell, PA 19422


Manner of Service: Posted, Jan 8, 2025, 6:17 pm EST

Documents: Order, Notice of Hearing, Petition for Preliminary Injunction & Complaint

Details:

Successful Attempt: Jan 8, 2025, 6:17 pm EST at 634 School Road, Blue Bell, PA 19422 posted documents to front door of residence

The facts herein set forth are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to penalties of the 18 Pa.C.S. 4904 relating to unsworn falsifications to authorities.


 Christopher Lemerise
 Date 1/13/2025

AFFIDAVIT OF SERVICE

Case: 2024-27992	Court: Court of Common Pleas of Pennsylvania	County: Montgomery	Job: 12465375
Plaintiff / Petitioner: Whitpain Township		Defendant / Respondent: Scott Testa	
Received by: Seagull Legal Services Inc.		For: Clarke Gallagher Barbiero Amuso & Glassman Law	
To be served upon: Scott Testa			

I, Christopher Lemerise, being duly sworn, depose and say: I am over the age of 18 years and not a party to this action, and that within the boundaries of the state where service was effected, I was authorized by law to make service of the documents

Address: 951 Netherwood Drive, Blue Bell, PA 19422

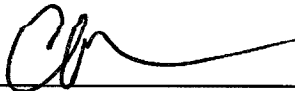
Manner of Service: Posted, Jan 8, 2025, 6:28 pm EST

Documents: Order, Notice of Hearing, Petition for Preliminary Injunction & Complaint

Details:

Successful Attempt: Jan 8, 2025, 6:28 pm EST at 951 Netherwood Drive, Blue Bell, PA 19422 posted documents to front door of residence

The facts herein set forth are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to penalties of the 18 Pa.C.S. 4904 relating to unsworn falsifications to authorities.

 1/13/2025
 Christopher Lemerise Date

WHITPAIN TOWNSHIP,
Plaintiff,

v.

SCOTT TESTA,
Defendant.

COURT OF COMMON PLEAS
MONTGOMERY COUNTY -
CIVIL ACTION

2024-27992

CERTIFICATE OF SERVICE

I, Stephen T. O'Hanlon, Esquire, counsel for Defendant, hereby certify that a true and correct copy of the forgoing Continuance Motion has been served upon the following by opt-in electronic filing service on or about the date of electronic filing:

Gregory R. Heleniak, Esquire
Melissa A. Osborne, Esquire



STEPHEN T. O'HANLON, ESQUIRE

O'Hanlon Schwartz, P.C.

BY: Stephen T. O'Hanlon, Esquire
2 Penn Center Plaza, Suite 1410
1500 John F. Kennedy Boulevard
Philadelphia, PA 19102
Tel: (267) 546-9066
Fax: (215) 563-6617
steve@ohanlonschwartz.com
Attorney for Defendant

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA

NOTIFICATION OF CONTINUANCE

WHITPAIN TOWNSHIP vs. TESTA, SCOTT
CASE #: 2024-27992 PREVIOUSLY SCHEDULED

ON January 21, 2025 2:30 PM

BEFORE JUDGE JEFFREY S. SALTZ IN Court Room G
MONTGOMERY COUNTY COURTHOUSE
NORRISTOWN, PA 19401

**HAS BEEN CONTINUED. COUNSEL/PARTIES WILL BE NOTIFIED BY MAIL
OF THE RESCHEDULED DATE AND COURTROOM ASSIGNMENT.**

Attorneys:
GREGORY HELENIAK, Esq.
MELISSA OSBORNE, Esq.

COUNSEL: Please notify all Co-Counsel of the
CONTINUANCE in this case.

PETITION FOR PRELIMINARY INJUNCTION - SEQ 01 - 2 HOUR HEARING

County of Montgomery
Court Administrator – *Civil Hearing*
P.O. Box 311
Norristown, Pa. 19404-0311

FREE INTERPRETER

PO Box 311 Norristown, PA 19404
610-278-3231

languageaccesscoordinator@montcopa.org
www.pacourts.us/language-rights

Notice of Language Rights



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Arabic/العربية: يحق لك الحصول على مترجم دون دفع أي تكلفة من جانبك. لطلب مترجم، يرجى إعلام موظفي المحكمة باستخدام معلومات الاتصال المقدمة في الجزء العلوي من هذا الإشعار.

Korean/한국어: 귀하는 비용에 대한 부담 없이 통역 서비스를 받을 권리가 있습니다. 통역 서비스를 요청하려면 본 통지서의 상단에 기재된 연락처를 통해 법원 직원에게 알려십시오.

Notices Mailed on 1/21/2025

Parties Notified:

SCOTT TESTA
4123 BAYBERRY DRIVE
LAFAYETTE HILL, PA 19444

GREGORY HELENIAK, Esq.
RUDOLPH CLARKE LLC
7 NESHAMINY INTERPLEX STE 200
TREVOSE, PA 19053

MELISSA OSBORNE, Esq.
RUDOLPH CLARK, LLC
7 NESHAMINY INTERPLEX, SUITE 200
TREVOSE, PA 19053

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA

NOTIFICATION OF LISTING FOR *Civil Hearing*

WHITPAIN TOWNSHIP vs. TESTA, SCOTT

CASE #: 2024-27992

HAS BEEN SCHEDULED FOR A HEARING ON Civil Hearing

ON January 30, 2025 1:30 PM

BEFORE JUDGE JEFFREY S. SALTZ

IN Court Room G
MONTGOMERY COUNTY COURTHOUSE
NORRISTOWN, PA 19401

If you are disabled and require assistance, please call (610) 278-3224

YOU ARE RESPONSIBLE TO NOTIFY YOUR
OPPONENT(S) OF THE ABOVE DATE.

Attorneys:
GREGORY HELENIAK, Esq.
MELISSA OSBORNE, Esq.

PETITION FOR PRELIMINARY INJUNCTION - SEQ 01 - 2 HOUR HEARING

County of Montgomery
Court Administrator – *Civil Hearing*
P.O. Box 311
Norristown, Pa. 19404-0311

FREE INTERPRETER

PO Box 311 Norristown, PA 19404
610-278-3231

languageaccesscoordinator@montcopa.org
www.pacourts.us/language-rights

Notice of Language Rights



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Mandarin/Cantonese Simplified Chinese/普通话/粤语简体中文: 您有权获得免费的口译员服务。若需要口译员，请使用本通知上方提供的联系信息通知法院工作人员。

Arabic/العربية: يحق لك الحصول على مترجم دون دفع أي تكلفة من جانبك. لطلب مترجم، يرجى إعلام موظفي المحكمة باستخدام معلومات الاتصال المقدمة في الجزء العلوي من هذا الإشعار.

Korean/한국어: 귀하는 비용에 대한 부담 없이 통역 서비스를 받을 권리가 있습니다. 통역 서비스를 요청하려면 본 통지서의 상단에 기재된 연락처를 통해 법원 직원에게 알려십시오.

Notices Mailed on 1/21/2025

Parties Notified:

SCOTT TESTA
4123 BAYBERRY DRIVE
LAFAYETTE HILL, PA 19444

GREGORY HELENIAK, Esq.
RUDOLPH CLARKE LLC
7 NESHAMINY INTERPLEX STE 200
TREVOSE, PA 19053

MELISSA OSBORNE, Esq.
RUDOLPH CLARK, LLC
7 NESHAMINY INTERPLEX, SUITE 200
TREVOSE, PA 19053

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA
CIVIL DIVISION

WHITPAIN TOWNSHIP

NO. 2024-27992

vs.

SCOTT TESTA

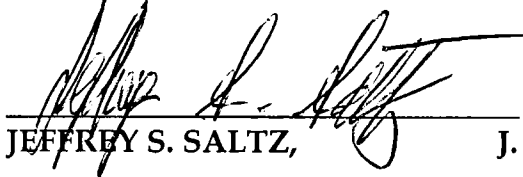
IN: PRELIMINARY INJUNCTION
HEARING

ORDER

AND NOW, this 21st day of January, 2025, it is hereby ORDERED that the above captioned matter is:

- ☐ AFTER HEARING ON
- ☐ AFTER PARTIAL HEARING ON
- ☐ AFTER CONFERENCE
- ☐ PENDING SETTLEMENT
- ☒ TO BE RELISTED BY COURT ADMINISTRATION
- ☐ TO BE RELISTED BY COURT ADMINISTRATION UPON APPLICATION OF COUNSEL
- ☐ TO BE RELISTED BY COURT ADMINISTRATION FOR _____ DAY(S) ON THE EQUITY EMERGENCY LIST
- ☐ IS GRANTED
- ☐ IS DENIED
- ☐ IS DISMISSED AS MOOT
- ☐ IS WITHDRAWN
- ☐ OTHER: _____

BY THE COURT:


JEFFREY S. SALTZ, J.

CV0010
R: 1/1/2010

Plaintiff/Plaintiff's Attorney:

Defendant/Defense Attorney:

Court Administration - Civil Division

Clerk:

WHITPAIN TOWNSHIP
vs.
SCOTT TESTA

NO. 2024-27992

PRAECIPE FOR APPEARANCE

TO THE PROTHONOTARY:

Please enter my appearance for

DEFENDANT

in the above case.

Date: 01/21/2025

ORIGINAL SIGNATURE RETAINED BY THE FILING PARTY

Signature

NOAH A SCHWARTZ, ESQ.

Filing Party

307835

ID Number

O'HANLON SCHWARTZ PC

Firm Name

1 HOLTEC DR, SUITE G102

Address

MARLTON, NJ 08053

(609) 233-1590

Phone

O'Hanlon Schwartz, P.C.

BY: Noah A. Schwartz, Esquire

1 Holtec Drive, Suite G102

Marlton, NJ 08053

Tel: (609) 233-1590

Fax: (215) 563-6617

noah@ohanlonschwartz.com

Attorney for Defendant

WHITPAIN TOWNSHIP,
Plaintiff,

v.

SCOTT TESTA,
Defendant.

COURT OF COMMON PLEAS
MONTGOMERY COUNTY -
CIVIL ACTION

2024-27992

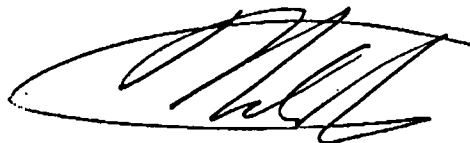
PRAECIPE FOR ENTRY OF APPEARANCE

TO THE CLERK OF THIS HONORABLE COURT:

Kindly enter my appearance on behalf of the above-captioned Defendant as co-counsel in
the above-captioned matter.

Respectfully submitted,

O'Hanlon Schwartz, P.C.



NOAH A. SCHWARTZ, ESQUIRE

O'Hanlon Schwartz, P.C.
BY: Noah A. Schwartz, Esquire
1 Holtec Drive, Suite G102
Marlton, NJ 08053
Tel: (609) 233-1590
Fax: (215) 563-6617
noah@ohanlonschwartz.com
Attorney for Defendant

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA

WHITPAIN TOWNSHIP
VS.
TESTA, SCOTT

NO. 2024-27992

COVER SHEET OF MOVING PARTY

Date of Filing January 20, 2025 Moving Party SCOTT TESTA

Counsel for Moving Party

Counsel's email address: STEVE@OHANLONSWARTZ.COM

Document Filed (Specify) MOTION FOR CONTINUANCE

If a motion to compel discovery, state the Court-ordered Discovery Deadline: N/A
(failure to complete this space will result in the motion being stricken)

CERTIFICATIONS - Check ONLY if appropriate:

☐ Counsel certify that they have conferred in a good faith effort to resolve the subject discovery dispute. (Required by Local Rule 208.2(e) on motions relating to discovery.)

☒ Counsel for moving party certifies that the subject **civil motion** is **uncontested** by all parties involved in the case. (If checked, skip Rule to Show Cause section below.)

RULE TO SHOW CAUSE - Check ONE of the Choices Listed Below:

☒ Respondent is directed to show cause why the moving party is not entitled to the relief requested by filing an **answer** in the form of a **written response** at the **Office of the Prothonotary** on or before the 14th day of February, 2025

☐ Respondent is directed to show cause, in the form of a **written response**, why the attached Family Court Discovery Motion is not entitled to the relief requested. Rule Returnable and Argument the _____ day of _____, 20____ at 1:00 p.m. at 321 Swede Street, Norristown, PA.

☐ Respondent is directed to file a **written response** in conformity with the Pennsylvania Rules of Civil Procedure.

☐ Rule Returnable at time of trial.

By:

Michael R. Kehs

Court Administrator

7/23



2024-27992-0026 1/22/2025 8:45 AM # 14735949
Rcpt#Z4878384 Fee:\$0.00 Rule
Main (Public)
MontCo Prothonotary

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW

WHITPAIN TOWNSHIP
vs.
TESTA, SCOTT

NO. 2024-27992

COVER SHEET OF RESPONDENT

Date of Filing January 30 2025

Respondent WHITPAIN

Counsel for Respondent MELISSA OSBORNE

I.D. No. 203966

Counsel's email address: MOSBORNE@CCGBAGLAW.COM

Document Filed (Specify) ANSWER, NEW MATTER, AND NEW MATTER

COUNTERCLAIM

RULE RETURN DATE of Motion 02/20/2025

07/23

**IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY,
PENNSYLVANIA**

WHITPAIN TOWNSHIP

v.

SCOTT TESTA

:
:
:
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:
:
:

NO. 2024-27992-0

NOTICE TO DEFEND-CIVIL

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

LAWYER REFERENCE SERVICE
MONTGOMERY BAR ASSOCIATION
100 West Airy Street (REAR)
NORRISTOWN, PA 19401
(610) 279-9660, EXTENSION 201

**IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY,
PENNSYLVANIA**

WHITPAIN TOWNSHIP

v.

SCOTT TESTA

:
:
:
:
:
:
:

NO. 2024-27992-0

**DEFENDANT, SCOTT TESTA'S ANSWER, NEW MATTER, AND NEW MATTER
COUNTERCLAIM**

Defendant, Scott Testa, by and through his undersigned counsel, hereby answers the complaint by the plaintiff, Whitpain Township and avers his new matter and new matter counterclaim as follows:

1. Admitted on information and belief.

2. Denied. The within averment is a conclusion of law to which no response is required and the same is therefore denied.

3. Denied as stated. The record owners of 951 Netherwood Drive, Blue Bell, Pennsylvania 19422 are Scott Testa and Sharon Testa. The record owners of 634 School Road, Blue Bell, Pennsylvania 19422 are Scott Testa and Sharon Testa. Denied that the document attached to the complaint at Exhibit A is a true and correct copy of any document.

4. Denied. The within averment is a conclusion of law to which no response is required and the same is therefore denied. By way of further answer, without limitation, Defendant specifically denies that the Subject Properties have been converted into multifamily dwellings with or without a zoning variance.

5. Denied as stated. Admitted that Defendant rents the Subject Properties. Denied to the extent that the phrase “short-term rental” is undefined and capable of several meanings and is undefined by Plaintiff’s Code.

6. Denied as stated. Admitted that Defendant rents the Subject Properties. Denied to the extent that the phrase “short-term rental” is undefined and capable of several meanings and is undefined by Plaintiff’s Code.

7. Admitted, on information and belief.

8. Denied. The within averment is a conclusion of law to which no response is required and the same is therefore denied.

9. Denied that the Subject Properties have been “listed as online short-term rental services.”

10. Denied. The within averment characterizes a writing, the terms of which speak for themselves, and same is therefore denied.

11. Denied. The within averment characterizes a writing, the terms of which speak for themselves, and same is therefore denied.

12. Denied. The within averment characterizes a writing, the terms of which speak for themselves, and same is therefore denied.

13. Denied. The within averment characterizes a writing, the terms of which speak for themselves, and same is therefore denied.

14. Denied. The within averment characterizes a writing, the terms of which speak for themselves, and same is therefore denied.

15. Denied. The within averment characterizes a writing, the terms of which speak for themselves, and same is therefore denied.

16. Denied. The within averment characterizes a writing, the terms of which speak for themselves, and same is therefore denied.

17. Denied. The within averment characterizes a writing, the terms of which speak for themselves, and same is therefore denied.

18. Denied. The within averment characterizes a writing, the terms of which speak for themselves, and same is therefore denied.

19. Denied. The within averment characterizes a writing, the terms of which speak for themselves, and same is therefore denied.

20. Denied as stated. Defendant specifically denies that Whitpain Police “were called to 951 Netherwood Drive at the specified dates “for incidents between the Defendants (sic) and various renters regarding disputes surrounding the rental.”

21. Denied as stated. Defendant specifically denies that Whitpain Police has been called to 951 Netherwood Drive “related to rental disputes.”

22. Denied as stated. Defendant specifically denies that Whitpain Police has been called to 634 School Lane “related to rental disputes.”

23. Denied. The within averment is a conclusion of law to which no response is required and the same is therefore denied. By way of further answer, without limitation, there are no “code issues” to address.

24. Denied. The within averment is a conclusion of law to which no response is required and the same is therefore denied.

25. Denied. The within averment is a conclusion of law to which no response is required and the same is therefore denied.

26. Denied. The within averment is a conclusion of law to which no response is required and the same is therefore denied.

27. Denied. The within averment is a conclusion of law to which no response is required and the same is therefore denied.

28. Denied. The within averment is a conclusion of law to which no response is required and the same is therefore denied.

29. Denied.

30. Defendant is unaware whether Plaintiff's emergency personnel are "ill equipped to combat the fire" or to provide "medical services" and, accordingly, are without sufficient information or belief to admit or deny the within averment. With regard to Plaintiff's averment that "the condition of the Subject Properties creates a risk of harm to the Township's emergency personnel themselves," that averment is a conclusion of law to which no response is required and the same is therefore denied.

31. Admitted that Plaintiff is seeking an order to remediate alleged "code issues."

32. Admitted that Plaintiff seeks an order allowing it onto the Subject Properties.

33. Admitted that Plaintiff seeks an order allowing it access to the Subject Properties.

34. Admitted that Plaintiff seeks an order allowing it to place liens on the Subject Properties.

35. Denied. The within averment is a conclusion of law to which no response is required and the same is therefore denied.

36. Denied. The within averment is a conclusion of law to which no response is required and the same is therefore denied.

37. Denied. The within averment is a conclusion of law to which no response is required and the same is therefore denied.

38. Denied. The within averment is a conclusion of law to which no response is required and the same is therefore denied.

39. Denied. The within averment is a conclusion of law to which no response is required and the same is therefore denied.

40. Denied. The within averment is a conclusion of law to which no response is required and the same is therefore denied. By way of further answer, without limitation, there are no “code issues” to address.

41. Denied that Defendant has allowed the “Subject Property (sic) to continuously be used as a short term rental...”

42. Denied. The within averment is a conclusion of law to which no response is required and the same is therefore denied.

43. Denied. The within averment is a conclusion of law to which no response is required and the same is therefore denied.

44. Denied. The within averment is a conclusion of law to which no response is required and the same is therefore denied. By way of further answer, without limitation, Defendant has not violated the subject code.

45. Denied. The within averment is a conclusion of law to which no response is required and the same is therefore denied.

WHEREFORE defendant, Scott Testa, respectfully requests that this honorable court enter judgment in his favor and against the plaintiff, Whitpain Township, dismissing the complaint and awarding such other relief to defendant as this honorable court should deem just and equitable.

NEW MATTER WITH NEW MATTER COUNTERCLAIM

46. Defendant incorporates each of the foregoing averments herein as if set forth at length.

47. Defendant is the record owner of 951 Netherwood Drive, Blue Bell, Pennsylvania 19422 and 634 School Road, Blue Bell, Pennsylvania 19422 (the “Subject Properties”) along with Sharon Testa.

48. Sharon Testa died in 2013.

49. Since the passing of Sharon Testa, Defendant has entered into a personal relationship with Hulda D MBE.

50. Defendant is white.

51. Hulda D MBE is black.

52. Defendant offers the Subject Properties for rent for periods shorter than one month as well as for longer than a month.

53. Other property owners owning properties in Whitpain Township offer their properties for rent for periods shorter than a month via Airbnb and via other services.

54. Upon information and belief, none of the other properties available for rent for periods of less than a month in Whitpain Township are owned by persons involved in interracial relationships.

55. Upon information and belief, none of the owners of properties for rent for periods of less than a month in Whitpain Township have been sued in the Court of Common Pleas by Plaintiff seeking injunctive relief to prevent rentals of less than one month.

56. The Code of the Township of Whitpain does not forbid rentals of residential properties for less than one month.

57. The phrase “short term rental” is found nowhere in the Code of the Township of Whitpain.

58. Plaintiff’s claim is barred in whole or in part by estoppel

59. Plaintiff’s claim is barred by the doctrine of laches.

60. Plaintiff’s claim is barred by the applicable statute of limitations.

61. Plaintiff has failed to state a claim entitling it to relief.

62. Plaintiff has failed to remonstrate immediate harm.

63. Plaintiff has failed to demonstrate irreparable harm.

64. Plaintiff has failed to demonstrate that greater injury would result from refusing the injunction than from granting it.

65. Plaintiff has failed to demonstrate that an injunction will properly restore the parties to their status as it existed immediately prior to the alleged wrongful conduct.

66. Plaintiff has failed to demonstrate that the activity it seeks to enjoin is actionable.

67. Plaintiff has failed to demonstrate that Plaintiff’s right to relief is clear.

68. Plaintiff has failed to demonstrate that the wrong alleged is manifest.

69. Plaintiff has failed to demonstrate that it is likely to prevail on the merits.

70. Plaintiff has failed to demonstrate that the injunction is reasonably suited to abate the allegedly offending activity.

71. Plaintiff has failed to demonstrate that the injunction will not adversely affect the public interest.

COUNT ONE
ABUSE OF PROCESS

72. Defendant incorporates each of the foregoing averments herein as if set forth at length.

73. In filing its complaint herein, Plaintiff has used legal process against Defendant.

74. In seeking an injunction, Plaintiff seeks to enjoin behavior pursuant to the Code of Whitpain Township despite the fact that the behavior pled, i.e. rental of the Subject Properties, is not proscribed by the Code of Whitpain Township.

75. In its complaint, Plaintiff has not made any showing that any of the factors necessary for the imposition of an injunction have been met.

76. Upon information and belief, Plaintiff has not brought legal action against any other person engaging in substantially the same behavior Plaintiff alleges Defendant to have engaged in here, i.e. rental of property for a period of less than a month.

77. Upon information and belief, none of the owners of properties which are being used in substantially the same way Plaintiff alleges Defendant be using them here, i.e. rental of property for a period of less than a month, are involved in interracial relationships.

78. Plaintiff seeks to punish Defendant for being involved in an interracial relationship, a behavior which is entirely legal, moral and correct and non-violative of the laws of either God or man.

79. Plaintiff seeks to chill interracial relationships.

80. Defendant has been harmed by Plaintiff by having to defend against a patently frivolous lawsuit.

81. Defendant has been harmed by Plaintiff by having his right to associate being unlawfully challenged.

WHEREFORE defendant, Scott Testa, respectfully requests that this honorable court enter judgment in his favor and against the plaintiff, Whitpain Township, dismissing the complaint and awarding such other relief to defendant as this honorable court should deem just and equitable.

Respectfully submitted,

O'HANLON SCHWARTZ, P.C.



Stephen T. O'Hanlon, Esquire

DATED: January 30, 2025

O'HANLON SCHWARTZ, P.C.

BY: Stephen T. O'Hanlon, Esquire (PA Bar # 208428)

Israel A. Schwartz, Esquire (PA Bar # 327623)

Noah A. Schwartz, Esquire (PA Bar #307835)

2 Penn Center, Suite 1410

1500 John F. Kennedy Boulevard

Philadelphia, PA 19102

Tel: (267) 546-9066

Fax: (215) 563-6617

steve@ohanlonschwartz.com

izzy@ohanlonschwartz.com

noah@ohanlonschwartz.com

Attorneys for Scott Testa

O'HANLON SCHWARTZ, P.C.

BY: Stephen T. O'Hanlon, Esquire

PA Bar ID # 208428

2 Penn Center Plaza, Suite 1410

1500 John F. Kennedy Boulevard

Philadelphia, PA 19102

Tel: (267) 546-9066

Fax: (215) 563-6617

steve@ohanlonschwartz.com

Attorney for Defendant

WHITPAIN TOWNSHIP,
Plaintiff,

v.

SCOTT TESTA,
Defendant.

COURT OF COMMON PLEAS
MONTGOMERY COUNTY -
CIVIL ACTION

2024-27992

VERIFICATION

I, Scott Testa, Defendant, hereby verify that the facts set forth in the foregoing Answer, Counterclaim, and Joinder Complaint are true and correct to the best of my knowledge, information, and belief. I understand that the statements made herein are subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

scott testa
scott testa (Jan 29, 2025 13:59 EST)
Scott Testa

Date: January 29, 2025

WHITPAIN TOWNSHIP,	:	COURT OF COMMON PLEAS
Plaintiff,	:	MONTGOMERY COUNTY -
	:	CIVIL ACTION
v.	:	
SCOTT TESTA,	:	2024-27992
Defendant.	:	

CERTIFICATE OF SERVICE

I, Stephen T. O'Hanlon, Esquire, counsel for Defendant, hereby certify that a true and correct copy of the forgoing Answer, New Matter, and New Matter Counterclaim has been served upon the following by opt-in electronic filing service on or about the date of electronic filing:

Gregory R. Heleniak, Esquire
Melissa A. Osborne, Esquire



STEPHEN T. O'HANLON, ESQUIRE

O'HANLON SCHWARTZ, P.C.

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